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11/20/92

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

INDEX NO. 110951/96
Judge Charles E. Ramos

MARY ANN HOSKINS, Executrix of the Estate of Edwin Paul Hoskins, WALTINA BROWN and DANTE AUBAIN, individually and on behalf of others similarly situated.

Plaintiffs,

VER.

R. J. REYNOLDS TOBACCO COMPANY,
RJR NABISCO, INC., COUNCIL FOR
TOBACCO RESEARCH-USA, INC.,
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

Video Deposition
of
DR. CLAUDE TEAGUE

CONFIDENTIAL

TRANSCRIPT of testimony as taken by and
Before JANE F. ALLEN, a Notary Public of the
State of North Carolina, at the offices of Bell,
Davis and Pitt, 635 West Fourth Street,
Winston-Salem, North Carolina, on Tuesday,
November 11, 1997, commencing at 1:37 in the
afternoon.

51/21 5989

- A P P E A R A N C E S -

JONATHAN M. PLASSE, ESQUIRE
Goodkind, Labaton, Rudoff & Sucharow, LLP
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(212) 907-0700

MARK BELASIC, ESQUIRE
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Cleveland, Ohio 44144
On behalf of the Defendants.
(216) 586-1043

WILLIAM DAVIS, ESQUIRE
Bell, Davis & Pitt
635 West Fourth Street
Winston-Salem, North Carolina 27102
On behalf of the Witness.
(910) 722-3700

Also Present: John Girdler, Videographer
Larry Payne, Videographer

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- - - I N D E X - - -

WITNESS: DIRECT

CLAUDE TEAGUE
By Mr. Plasse

5

- - - E X H I B I T S - - -

NUMBER	DESCRIPTION	IDENTIFICATION
1	Subpoena	12
2	Interoffice Memorandum dated 5/4/70	43
3	Interoffice Memorandum dated 5/19/72	86
4	Interoffice Memorandum dated 6/10/85	101
5	Interoffice Memorandum dated 10/9/85	106

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1 Thereupon,

2 THE VIDEOGRAPHER: We're going on the
3 record. The time is 1:37 p.m. This is the video
4 tape deposition of Charles Teague, Ph.D., in the
5 matter of Mary Ann Hoskins, et al, Plaintiffs
6 against R.J. Reynolds Tobacco Company, et al,
7 Defendants, under the jurisdiction of the Supreme
8 Court of the State of New York, County of New
9 York, Index Number 110951/96, and related cases.

10 This deposition is being held at the
11 offices of Bell, Davis and Pitt, P.A.,
12 635 West Fourth Street, Winston-Salem,
13 North Carolina, on Tuesday, November the 11th,
14 1997.

15 My name is John Girdler, I'm the
16 video specialist. The court reporter is Jane
17 Allen. We are here in association with
18 Nationwide Court Reporters, with offices located
19 in New York, New York.

20 Counsel will now state their
21 appearances for the record and the court reporter
22 will swear in the witness.

23 MR. PLASSE: Jonathan Plasse, with
24 Goodkind, Labaton, Rudoff and Sucharons, counsel
25 for plaintiffs.

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1 MR. BELASIC: Mark Belasic, from
2 Jones, Day, for R.J. Reynolds Tobacco.

3 MR. DAVIS: My name is Bill
4 Davis, from Bell, Davis and Pitt, and I
5 represent Dr. Teague, and his correct name is
6 Dr. Claude Teague.

7 DR. CLAUDE TEAGUE,
8 having first been duly sworn, was examined and did
9 testify as follows:

10 DIRECT EXAMINATION

11 BY MR. PLASSE:

12 Q. Could you state your full name for
13 the record.

14 A. Claude Edward Teague, Jr.

15 Q. Where do you currently reside?

16 I'm sorry, is it Dr. Teague?

17 A. Yes.

18 Q. Dr. Teague, where do you presently
19 reside?

20 A. In [DELETED]

21
22 A. REDACTED

23 Q. Are you presently employed?

24 A. No.

25 Q. You were previously employed by RJR;

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1 is that correct?

2 A. Among others, yes.

3 Q. When did you leave RJR, in 1987?

4 A. RJR, do you mean R.J. Reynolds Tobacco
5 Company or R.J. Industries?

6 Q. I mean any of those entities that
7 fall under the umbrella.

8 MR. BELASIC: Well, let's just make
9 the record clear then, let's be very specific,
10 because there used to be a defendant called RJR
11 Nabisco, Inc. in this case, and I don't want any
12 confusion.

13 BY MR. PLASSE:

14 Q. All right. Were you previously
15 employed by RJR Tobacco?

16 A. Yes.

17 Q. Who else previously employed you?

18 A. I think RJR Nabisco was the parent company
19 at one time.

20 Q. Okay.

21 A. RJR or R.J. Reynolds Industries, and then
22 before that, American Nabisco Corporation.

23 Q. I didn't want to go past the
24 R.J. Tobacco, RJR Nabisco, R.J. Reynolds
25 Industries.

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1 When were you last employed by either
2 R.J. Tobacco, RJR Nabisco or R.J. Reynolds
3 Industries?

4 A. I retired from R.J. Reynolds Tobacco
5 Company, I believe the last day of February, the
6 first day of March, one or the other, of 1987.

7 Q. Okay. Have you been employed on a
8 full-time basis since that time?

9 A. No, sir.

10 Q. Do you receive a pension presently
11 from R.J. Reynolds Tobacco or RJR Nabisco or RJR
12 Reynolds Industries?

13 A. Yes, sir.

14 Q. REDACTED

15 A. You've read my earlier deposition.

16 Q. Right. Okay.

17 And you receive certain health
18 benefits from some or all of those entities; is
19 that correct?

20 MR. BELASIC: Again, I'm just going
21 to object to the form. Let's specify which
22 entity, make the record clear.

23 BY MR. PLASSE:

24 Q. Do you presently receive any health
25 benefits from either R.J. Reynolds Tobacco, RJR

51721 5995

1 Nabisco or R.J. Reynolds Industries?

2 MR. BELASIC: Same objection.

3 THE WITNESS: Am I supposed to --

4 MR. DAVIS: Go ahead and answer.

5 THE WITNESS: I receive some health
6 benefits, and I honestly couldn't tell you which
7 one or all of the above or, you know.

8 BY MR. PLASSE:

9 Q. Do you know who you receive the
10 pension benefits from, which entity?

11 A. I think from the tobacco company, but I
12 really don't know.

13 Q. Okay. Other than pension benefits
14 and health benefits, have you received any other
15 consideration or compensation from either
16 R.J. Reynolds Tobacco, RJR Nabisco or
17 R.J. Reynolds Industries, since you left in 1987?

18 MR. BELASIC: Same objection.

19 THE WITNESS: I also get dental
20 benefits.

21 BY MR. PLASSE:

22 Q. Okay.

23 A. Whatever the standard retiree package is.

24 Q. Okay.

25 Do you know who you receive the

51721 5996

1 dental benefits from?

2 A. Winston-Salem Dental Care, Inc. It is
3 owned now by Partners. Reynolds, or somebody
4 sold it to somebody else. I don't know, I don't
5 understand it, I just go.

6 Q. Okay.

7 Other than health benefits, dental
8 benefits and pension, have you received any other
9 consideration or compensation since 1987 from
10 either R.J. Reynolds Tobacco, RJR Nabisco or
11 R.J. Reynolds Industries?

12 A. I think I got health insurance -- not -- I
13 mean life insurance for awhile.

14 Q. Okay.

15 Do you know who you received the life
16 insurance from or who paid for the life
17 insurance?

18 A. One of those people. I just don't know.

19 Q. Do you presently have the -- is the
20 life insurance still in effect?

21 A. It is, but I have given title to it to one
22 of my children for estate planning purposes.

23 Q. What was the amount of the life
24 insurance?

25 A. I don't remember. I think it was a

51721 5997

1 descending amount.

REDACTED

2

3 Q. Okay.

4 A. And let's see, other benefits.

5 Q. Or consideration or compensation.

6 A. I don't think of anything else since I
7 retired. Now some of the things I got when I
8 retired, it took them a month or two or three,
9 you know, like that.

10 Q. Right.

11 A. Plan, but.

12 Q. No consulting services that you
13 provided --

14 A. No.

15 Q. -- To any of those entities since you
16 left?

17 A. No.

18 Q. Mr. Davis is your attorney today; is
19 that correct?

20 A. Right.

21 Q. Not Mr. Belasic?

22 A. No. He's with --

23 Q. Well, he's with Jones, Day.

24 A. Somebody out of town, I think.

25 MR. BELASIC: I represent R.J. Reynolds

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1 Tobacco Company.

2 THE WITNESS: Okay.

3 BY MR. PLASSE:

4 Q. Who is paying Mr. Davis' fees in
5 connection with this deposition?

6 A. I would assume that the tobacco company is
7 as a retiree. I think that's the custom. I
8 don't know.

9 Q. Okay.

10 A. I hope he's not pro bono.

11 Q. Well, you have no reason to believe
12 that you are paying for Mr. Davis' services
13 today, do you?

14 A. I haven't gotten a bill so far.

15 Q. Do you expect to get a bill?

16 A. I don't really have any expectations.

17 Q. I think you said before that retiree
18 benefits include payment for legal fees?

19 A. I think that's true. I would certainly
20 hope so. I'm pro bono.

21 Q. Let me have marked as Teague Exhibit
22 Number 1 -- unfortunately this is I think the one
23 document I don't have copies of. As we go
24 forward I'll have copies.

25

1 (Teague Exhibit Number 1 marked for
2 identification.)

3 BY MR. PLASSE:

4 Q. Dr. Teague, do you understand that
5 you are appearing at this deposition today
6 pursuant to a subpoena?

7 A. That's my understanding.

8 Q. And you were served with a subpoena?

9 A. Well, my lawyer was.

10 Q. Okay. Do you have an understanding
11 that the -- well, withdraw that.

12 To your knowledge, did the subpoena
13 request you to produce certain documents?

14 A. I believe some -- I was requested some
15 documents that I had in my personal possession at
16 home.

17 Q. Okay.

18 Did you review your files to
19 determine whether you possessed any documents
20 that were responsive to the documents requested
21 in the subpoena?

22 A. Well; I got the same request for the
23 earlier deposition and I got them, went through
24 files such as they are.

25 Q. When you say the earlier deposition,

1 you mean the Minnesota deposition?

2 A. Yes, sir.

3 Q. In connection with Teague Exhibit 1,
4 which is the subpoena for this case, did you
5 review your personal files to see whether you had
6 any documents responsive to this subpoena?

7 A. Well, in effect, I did it before and I
8 don't have any new documents, so I would say
9 that, I mean, I'm not hiding anything.

10 MR. PLASSE: Let me note that as I
11 understand his testimony, he did not, in response
12 to this specific request here, review his files
13 to determine whether there were any responsive
14 documents. I believe what he is saying is that
15 he produced documents responsive whenever he was
16 served in Minnesota, so I would request that the
17 witness review his files to determine whether he
18 has any documents that are responsive to the
19 particular documents requested in the Teague
20 Exhibit 1.

21 MR. DAVIS: I have his documents and
22 I'll hand you all of his documents and you can
23 review them to determine whether you think he's
24 got anything that's responsive. That's all of
25 his documents.

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1 MR. PLASSE: Okay.

2 MR. DAVIS: We haven't tried to sort
3 out the documents that were responsive and not
4 responsive, we just brought them all so there
5 wouldn't be any misunderstanding about it, but
6 you can look. I think there's probably --

7 MR. PLASSE: Let me just take one
8 moment.

9 BY MR. PLASSE:

10 Q. We talked before about your being
11 deposed in a prior case. Was that the State of
12 Minnesota against Phillip Morris, et al, does
13 that sound like the case?

14 A. Sounds reasonable. Mr. O'Fallon, I
15 believe.

16 Q. Mr. Fallon, is it O'Fallon or Fallon?

17 A. I thought it was O'Fallon. I'm not sure.
18 Maybe it is just Fallon.

19 Q. You are right, O'Fallon.

20 Other than in that case you were
21 deposed for four days, on four different days; is
22 that correct?

23 A. Yes, sir. There were other people there
24 from other people in the suit, but I don't recall
25 if they asked any questions.

1 Q. Other than being deposed in that
2 case, we'll call it the Minnesota case, and other
3 than today, have you been deposed at any other
4 time?

5 A. Back years. On this topic you mean,
6 tobacco?

7 Q. Okay. Right.

8 A. No.

9 Q. On any other topic?

10 A. Back years ago I think I was deposed in
11 some patent cases. I've forgotten when or who or
12 whatever.

13 Q. Okay. Have you ever testified in any
14 trial?

15 A. No, sir.

16 Q. Before today have you ever met
17 Mr. Belasic?

18 A. Yes.

19 Q. Before the beginning of the
20 deposition today, when was the last time you met
21 Mr. Belasic?

22 A. First and only time was yesterday afternoon
23 for, I don't know, hour, hour and a half,
24 something like that.

25 Q. Okay. Where did you meet him?

51721 6003

1 A. Here in this building in Bill Davis' office
2 with Bill Davis.

3 Q. Okay. So Mr. Belasic was present,
4 Mr. Davis was present and you were present?

5 A. Right.

6 Q. Anybody else?

7 A. I believe Mark Holton was there part of the
8 time or all of the time.

9 Q. I'm sorry, Mark who?

10 A. Holton.

11 Q. Okay. Who is he affiliated with, if
12 you know?

13 A. Womble, Carlyle, I believe is his law firm.

14 Q. Okay. Was he there for the entire
15 time that Mr. Belasic was there?

16 A. I believe so. I think some of them went
17 out to the phone and stuff, but essentially they
18 were there.

19 Q. And other than yesterday, have you
20 ever met Mr. Belasic, have you ever been with
21 Mr. Belasic?

22 A. No.

23 Q. Did you ever speak to him on the
24 telephone?

25 A. No. Not that I recall. I don't -- I'm not

1 good at names and faces and all, but I think
2 yesterday was the first encounter.

3 Q. How long did you meet Mr. Belasic
4 yesterday, for about an hour and a half?

5 A. I think so. Hour and a half, two hours. I
6 think I was home by three and we started at 1:30.
7 something like that, roughly.

8 Q. What did you talk about with
9 Mr. Belasic and the others yesterday?

10 MR. BELASIC: Object to the form.

11 BY MR. PLASSE:

12 Q. What subjects were discussed
13 yesterday?

14 MR. BELASIC: Objection.

15 MR. DAVIS: Wait, wait.

16 MR. BELASIC: Objection, it is
17 privileged.

18 BY MR. PLASSE:

19 Q. What subjects did you discuss with
20 Mr. Belasic yesterday?

21 MR. DAVIS: That is privileged.

22 MR. BELASIC: Objection. It is
23 privileged. I instruct the witness not to
24 answer.

25 MR. PLASSE: You are his counsel?

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1 MR. BELASIC: I'm counsel for --

2 MR. DAVIS: I'm his counsel.

3 MR. BELASIC: I am counsel for
4 R.J. Reynolds Tobacco Company, and to the extent
5 that our discussions are in his capacity as a
6 former employee of my client, it is well
7 established that I can claim attorney/client
8 privilege. It clearly covers our conversation.

9 MR. PLASSE: So your view is anything
10 discussed yesterday that Dr. Teague spoke to you
11 about is privileged and you would direct him not
12 to answer?

13 MR. BELASIC: It depends on what your
14 questions are, sir.

15 BY MR. PLASSE:

16 Q. What subjects did you discuss with
17 Mr. Belasic yesterday?

18 MR. BELASIC: The same objection, and
19 I instruct the witness not to answer.

20 MR. PLASSE: Mark, I don't want to
21 delay this, so it seems to me your view, which I
22 don't agree with is --

23 MR. BELASIC: The substance of our
24 conversations yesterday, which clearly relate to
25 his employment with my client, R.J. Reynolds

51721 6006

1 Tobacco Company, are privileged, and as an
2 attorney for R.J. Reynolds Tobacco Company, I am
3 going to instruct the former employee,
4 Dr. Teague, not to answer.

5 BY MR. PLASSE:

6 Q. Did you look at any documents
7 yesterday when Mr. Belasic was with you?

8 A. No, sir.

9 Q. You didn't go over any of your old
10 documents that you prepared when you were at
11 R.J. Reynolds Tobacco?

12 A. Sir, I come from a long line of lawyers.
13 I'm not one --

14 MR. DAVIS: Wait, wait. The answer
15 is yes or no.

16 THE WITNESS: Well, I think that's
17 something that's privileged, too, but maybe I'm
18 wrong. You want to ask the question again, maybe
19 I can answer it yes or no, but --

20 MR. PLASSE: Well, read the question
21 back.

22 (The preceding question was read
23 back.)

24 BY MR. PLASSE:

25 Q. You didn't review, look at any of the

51721 6007

1 documents that you prepared when you were at
2 R.J. Reynolds Tobacco during your meeting with
3 Mr. Belasic yesterday?

4 A. Nope.

5 Q. Other than meeting yesterday, did you
6 meet with Mr. Davis in connection with this
7 deposition at some other time?

8 A. Certainly.

9 Q. When was that?

10 A. I couldn't tell you when.

11 Q. In the last week?

12 A. I think I met with him briefly last week
13 for an hour, maybe something like that.

14 Q. Who else was present at that meeting,
15 if any anyone?

16 A. Mark Holton probably was there, but I'm not
17 certain.

18 Q. Anyone else?

19 A. I don't believe so, no.

20 Q. Do you have an understanding who
21 Mr. Holton represented when he was at that
22 meeting that you just have been referring to?

23 A. Well, Mr. Holton works for Womble, Carlyle,
24 and I believe they have a long association with
25 Reynolds Tobacco Company. They are a local firm

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1 or I guess this is their main office.

2 Q. Well, did you have an understanding
3 that Mr. Holton, when he appeared at that
4 meeting, was serving as counsel for
5 R.J. Reynolds?

6 A. I don't think it came up. I mean, he was
7 there. Mr. Davis is my counsel.

8 Q. What subjects were discussed at that
9 meeting?

10 MR. BELASIC: Same objection.
11 Mr. Holton represents R.J. Reynolds Tobacco
12 Company. He's meeting with an ex-employee of
13 R.J. Reynolds Tobacco Company, regarding his
14 employment at the client. It is privileged.
15 BY MR. PLASSE:

16 Q. So you met yesterday with Mr. Davis
17 and others and you met about a week ago with
18 Mr. Davis and perhaps Mr. Holton. Did you have
19 any other meetings with Mr. Davis in connection
20 with or in preparation of this deposition?

21 A. This deposition, no. Not that I recall.

22 Q. Other than what you may have
23 discussed during the course of those two
24 meetings, have you spoken to anyone else about
25 your appearing for deposition today?

1 A. Well, I told my son where I would be today,
2 both my sons.

3 Q. Okay. Anyone else?

4 A. If I did, it was somebody I was telling
5 where I was going to be so don't look for me at
6 home this afternoon. I don't really recall.

7 Q. Did you review any documents other
8 than during the course of those two meetings that
9 you testified to in connection with or in
10 preparation for this deposition?

11 A. Sir, I don't have any documents. Those
12 over there are the ones I had, and Mr. Davis had
13 them.

14 Q. How long has he had them for?

15 A. He had them for a good while. We produced
16 those at the earlier deposition, and then he gave
17 them back to me, I believe, along with
18 transcripts of the deposition, and they've aged
19 gently in my closet since then. I think I
20 brought them back yesterday, was it? Yesterday
21 morning I believe I brought those to him.

22 Q. Have you read the transcripts of your
23 deposition taken in the Minnesota case?

24 A. Not really. It is boring stuff. I scanned
25 them, didn't read them.

51721 6010

1 Q. Did you scan them more than once?

2 A. No.

3 Q. When did you scan them?

4 A. I couldn't tell you.

5 Q. In the last ten days?

6 A. Oh, no. It's been a month or so, I guess.
7 Whenever I got them, I guess soon after the
8 deposition. I don't even remember the date of
9 the deposition. I would say it has been at least
10 a month, maybe longer.

11 Q. The deposition was taken in July
12 10th, 11th, around that time.

13 A. Well, it was probably -- I probably got, I
14 don't know what is a reasonable period. I got my
15 set probably a couple of weeks later, and I'm not
16 sure, and they sat while. I thought, well, to
17 see what if anything they say, one afternoon I
18 spent probably no more than an hour, just kind of
19 flipping through them. That was early August, I
20 would guess, by that.

21 Q. Did you sign the transcripts of your
22 deposition taken in the Minnesota case?

23 A. No.

24 Q. To the best of your knowledge, is the
25 testimony that you gave at those depositions true

51721 6011

1 and accurate?

2 A. Well, I was under oath, sir, I suppose it
3 was.

4 Q. I think you testified in the
5 deposition in the Minnesota case that since you
6 left R.J. Reynolds in whatever it was, February
7 or March of 1987, you may have gone back and
8 visited them once or twice. Does that sound
9 accurate?

10 A. Twice, I believe. Once to pick up a
11 Christmas tree. I went in the lobby and somebody
12 brought it around to my car, and once I think to
13 look at or sign something in the law department
14 there in the R and D building.

15 Q. You haven't visited R.J. Reynolds
16 offices or R.J. Reynolds Industries' offices
17 since your deposition taken in the Minnesota
18 case, have you?

19 A. No. I don't think so, no.

20 Q. Other than speaking to attorneys in
21 connection with this deposition, have you spoken
22 to anyone affiliated with R.J. Reynolds Tobacco
23 or R.J. Reynolds Industries since your deposition
24 was taken in July of 1997?

25 A. I think I've run into people casually and

51721 6012

1 said, well, I've given, have given a deposition,
2 but as I understand it, it's in litigation and
3 confidential, so I won't disclose the -- anything
4 about it.

5 Q. Who did you tell that to?

6 A. I couldn't tell you. Anybody that asked
7 me, I guess. Certainly no official of the
8 company, no lawyer of the company, casual
9 acquaintances, you know, what are you doing with
10 yourself these days, among other things, been
11 doing some depositions. Getting rich.

12 Q. With subpoena fees?

13 A. Hum?

14 Q. With subpoena fees? What are you
15 getting rich with?

16 A. Well, you are paying me 45 bucks for
17 deposition, I think. It is big money if you are
18 retired.

19 Q. Not such big money when you compare
20 it to the amount of your annual pension, is it?

21 MR. DAVIS: Excuse me, what's the
22 question?

23 BY MR. PLASSE:

24 Q. Is \$45 such big money compared to
25 your annual pension that you receive?

51721 6013

1 A. Well, my annual pension decreases every
2 year.

3 Q. What is it now, 1997?

4 A. Well, it decreases due to inflation and
5 purchasing power. The amount is fixed.

6 Q. Okay. So what do you believe that
7 you will receive for pension benefits this year,
8 1997?

9 A. I thought we already went through that.

10
11 A. [REDACTED]

12 Q. Let me show you what was marked as
13 Exhibit 1097 in the Minnesota case. I guess you
14 guys are going to have to share that.

15 Now you testified with respect to
16 this document during that deposition, and I'm
17 going to try to avoid duplicative questions. Can
18 you tell me the circumstances surrounding your --
19 well, did you prepare this document?

20 A. I believe I did.

21 Q. Did you do it in around January 18,
22 1983, the date listed on Page 2?

23 A. Some time before that, yes, sir.

24 Q. Is that your signature on the second
25 page?

51721 6014

1 A. Yes, sir. And the third page.

2 Q. Fine.

3 What were the circumstances
4 surrounding your preparation of the document?

5 A. I couldn't tell you, sir. I think it was a
6 standard something we were supposed to do
7 periodically and stick in the files.

8 Q. Okay. Was it prepared in the
9 ordinary course of your business at
10 R.J. Reynolds?

11 A. I don't know what you mean by that.

12 Q. Well, was it prepared in the ordinary
13 course of your business? Was it something you
14 did as part of your regular business at
15 R.J. Reynolds?

16 A. At work you mean?

17 Q. Right.

18 A. I take it so. It is a company form, so.

19 Q. And it was the ordinary course of
20 your business to periodically prepare documents
21 such as this Exhibit 1097; is that correct?

22 A. I -- let me see. Apparently there is one
23 done in -- well, there is another date, 7/86 on
24 here. I'm not quite sure what that means, but
25 anyway, I think I -- my recollection is, I did

51721 6015

1 one and then updated it to be this one. That's
2 probably what this '76 one was, but that's a
3 guess.

4 Q. Was it in the ordinary course of your
5 business that you would prepare this document; is
6 that correct?

7 A. Whatever that means.

8 Q. Was it?

9 A. Whatever that means, yes, I guess I did.

10 Q. Okay. And to the best of your
11 knowledge, is this an accurate copy of a document
12 that you prepared?

13 A. I assume so.

14 Q. On the first page of the exhibit at
15 the very bottom under honors, awards,
16 publications --

17 A. Yes, sir.

18 Q. It says, "member signa XI".

19 A. Si.

20 Q. I'm sorry. Member Honorary
21 Scientific Research Society. Can you tell me
22 what that is?

23 A. That's what it is, an honorary research
24 society.

25 Q. How long were you a member of that

51721 6016

1 research society?

2 A. I think I got into that when I was in
3 college in graduate school. That would have been
4 in 1950 or earlier.

5 Q. Okay. And did you continue as a
6 member of that society when you were at Reynolds?

7 A. I guess you continue until you die, or I
8 don't know. I never went to any meetings
9 anywhere, but I think on the campus years ago.
10 It is just an honorary thing.

11 Q. What about the listing at the bottom
12 of the first page, "a dozen or so U.S. patents."
13 What does that refer to?

14 A. A dozen or so U.S. patents.

15 Q. What did you have to do with those
16 dozen or so U.S. patents?

17 A. I was an inventor on them, or co-inventor.

18 Q. Can you describe what areas those
19 patents dealt with?

20 A. No. I haven't seen those in years. 37.
21 That would have been back in the 60's, I guess
22 somewhere. That had to do with tobacco products
23 or something in one way or the other.

24 Q. Do you recall what it had to do with
25 tobacco products?

51721 6017

1 A. Sir, if you want to get the patents.

2 Q. No. I'm just asking to the best of
3 your present recollection.

4 A. I just don't remember. There were some, I
5 think on tobacco flavor and some processes for
6 synthesizing some tobacco flavorings and --

7 Q. Anything else that you can recall?

8 A. That's about it.

9 Q. When you worked with those patents,
10 you were then a research chemist at RJR Tobacco
11 Company; is that correct?

12 A. I would assume so, or manager of chemical
13 research or something. I was intimately
14 associated with the laboratory and things that
15 went on. Most of them I think were when I was
16 actually working as a scientist at the bench in
17 the laboratory.

18 Q. And that was -- which job was that,
19 as a research chemist?

20 A. Yes, sir. I'm not sure what title, but
21 that's what I thought of myself as.

22 Q. Why don't you turn to the second
23 page.

24 A. Okay.

25 Q. It indicates in December of 1951 you

51721 6018

1 started as a research tobacco -- I'm sorry, you
2 started as a research chemist at RJR Tobacco
3 Company?

4 A. Right.

5 Q. And you continued in that position
6 until I guess it is May of 1960. That indicates
7 in May of 1960 you became manager of chemical
8 research at RJR Tobacco Company. Did you
9 consider switching from research chemist to
10 manager of chemical research to be a promotion?

11 A. That's debatable. I started pushing papers
12 and not doing what I was trained. It is a
13 promotion status wise, pay ways, certainly, but.

14 Q. You got paid more money as manager of
15 chemical research than you did as a research
16 chemist; is that correct?

17 A. I believe that's right.

18 Q. So January of 1970 you became
19 assistant director of research at RJR Tobacco
20 Company. Did you consider switching or changing
21 from manager of chemical research to assistant
22 director of research as a promotion?

23 A. Yes. By normal standards, I guess it was.

24 Q. Normal standards include you got paid
25 more money as assistant director of research than

51721 6019

1 you did as manager of chemical research?

2 A. I would assume so. At some point I would
3 have gotten a raise, I mean, a different pay
4 bracket.

5 Q. Okay. And as assistant director of
6 research, part of your responsibilities included
7 special assignments in the area of long range
8 planning? I'm referring to what is indicated on
9 the second page of the Exhibit 1097.

10 A. Yes, sir.

11 Q. And in December 1975, you went to RJR
12 Industries and your title was development
13 manager, planning manager; is that correct?

14 A. Development manager and then planning
15 manager. One or the other.

16 Q. Are those two positions or one
17 position, development manager and planning
18 manager?

19 A. Well, one person, maybe two titles. I
20 don't know which was which.

21 Q. Okay. And changing from assistant
22 director of research at RJR Tobacco Company to
23 development manager and planning manager of RJR
24 Industries, did you view that as a promotion?

25 A. I think I thought of it more as a lateral

51721 6020

1 move. This was a business planning group.

2 Q. What were the circumstances
3 surrounding that change in your position, do you
4 recall, how did it come about?

5 A. Gosh, somebody told me they wanted me to go
6 over there. I think the business planning group
7 were looking for somebody that was fairly up to
8 speed on computers. I had come back from a -- I
9 had been to an executive program, business
10 training and so forth, at the University of North
11 Carolina back in the late 60's, and I was a
12 scientist, and I think they wanted somebody with
13 technical training to look at acquisitions,
14 basically.

15 Q. Did you get paid more money as
16 development manager, planning manager than you
17 did as assistant planning director of research?

18 A. I guess I got raises. I don't think I got
19 a big raise when I moved. I think it was just a
20 change of pace and something different.

21 Q. Okay.

22 A. I got raises while I was there, I'm sure.

23 Q. Let me just see if I can clarify
24 something. You worked for RJR Tobacco Company
25 and you also worked for RJR Industries and I

51721 6021

1 think you said you also worked for RJR Nabisco;
2 is that correct?

3 MR. BELASIC: Object to the form. I
4 don't think that's what he stated.

5 BY MR. PLASSE:

6 Q. Okay. Let me try to clarify it. You
7 have worked for RJR Tobacco, right?

8 A. Yes.

9 Q. You have worked for RJR Reynolds --
10 I'm sorry, RJR Industries; is that correct?

11 A. R.J. Reynolds Industries or RJ -- yeah.
12 Industries Group, yes.

13 Q. Did you work for any other entities
14 that were affiliated with those entities?

15 A. I don't know. I didn't keep up with that
16 stuff. There was a RJR Nabisco at one point and
17 whether I worked for them or not, I have no idea.

18 Q. Okay. Let me ask you this: During
19 the entire time that you worked for either RJR
20 Tobacco or RJR Industries or RJR Nabisco, did you
21 ever get a cut in pay?

22 MR. BELASIC: Object to the form. I
23 mean, he just stated he doesn't know if he worked
24 for the third entity, R.J.R. Nabisco that you
25 just named. I don't know why you insist on

51721 6022

1 saying that he did work for them.

2 BY MR. PLASSE:

3 Q. The entire time that you worked for
4 RJR Tobacco, or RJR Industries, did you ever
5 receive a cut in pay?

6 A. Not that I recall. I think I would have
7 marched had I gotten a cut in pay.

8 Q. Were you ever placed on probation,
9 anything like that, during the time that you
10 worked for RJR Tobacco or RJR Industries?

11 A. Not that I'm aware of, no. I don't know
12 quite what that means, but.

13 Q. Well, were you ever told, in essence,
14 unless you changed in certain respects that you
15 would be asked to leave either RJR Tobacco or RJR
16 Industries?

17 A. No, sir. Not that I recall.

18 Q. In 1977, Exhibit 1097 indicates you
19 became manager at corporate research at RJR
20 Industries. Did you view that as a promotion
21 from your prior position, development manager,
22 planning manager?

23 A. I think it was more a lateral move back
24 into a research, less business oriented. I think
25 what happened, because the business planning

51721 6023

1 function that I had been in was changed around
2 somewhat and this -- I moved to this corporate
3 research responsibility.

4 Q. In 1978 you became director of
5 corporate research. Was that a promotion from
6 serving as manager of corporate research?

7 A. I believe so.

8 Q. Did you get paid more money as
9 director of corporate research than you did as
10 manager of corporate research?

11 A. I'm pretty sure I must have, yes.

12 Q. In 1979, November of 1979, you moved
13 back to RJR Tobacco company; is that correct?

14 A. That's right.

15 Q. And then you became assistant to the
16 vice-president research and development. Did you
17 have a view as to whether that was a promotion
18 from your position as director of corporate
19 research at RJR Industries?

20 A. I was pleased to be back in the tobacco
21 company. I don't know whether, you know, I don't
22 know whether it was in the company's scheme of
23 things whether it was a higher job rating or
24 something or not. I assume it probably was.

25 Q. Why were you happy to be back at RJR

51721 6024

1 Tobacco Company?

2 A. Well, I had spent most of my career there,
3 and I had fun with the business planning and
4 acquisitions and corporate research. Corporate
5 research -- actually, the occasion for this was
6 also disbanded when I think the vice-president
7 retired and I was reassigned and several other
8 people that were, but I was delighted, yes.

9 Q. When you served as assistant to the
10 vice-president at research and development at RJR
11 Tobacco Company, was one of your responsibilities
12 or title chairman of company wide product quality
13 program?

14 A. Yes, sir.

15 Q. Can you tell me what the company wide
16 product quality program was?

17 A. Well, that was something that I inherited.
18 Apparently several years prior to my joining the
19 company they had gone through pretty much
20 department by department and looked at anything
21 that would improve product quality, and there
22 were a whole bunch of issues, products or
23 projects or something or other, that were being
24 implemented, and my job was to oversee the
25 completion of the implementation there.

51721 6025

1 Q. Do you presently recall what any of
2 those projects were?

3 A. No, I don't. If I went home and pondered
4 for a week I might think of something, but it was
5 the usual things.

6 Q. In February of 1981 you became
7 director of R and D administration?

8 A. That's right.

9 Q. Was that a promotion from serving as
10 assistant to the vice-president of research and
11 development?

12 A. Yeah, I guess so.

13 Q. When you left in February or March of
14 1987, were you still director of R and D
15 administration?

16 A. Yes, sir.

17 Q. Why did you leave?

18 A. I retired:

19 Q. Is there a mandatory retirement age?

20 A. Yes.

21 Q. Had you reached that age?

22 A. No.

23 Q. Your decision to leave was a
24 voluntary one?

25 A. Certainly.

51721 6026

1 Q. No one was asking you to leave?

2 A. No. Retirement is the best job I ever had.
3 If I lose it, I'm dead, literally.

4 Q. During the time that you were
5 employed either by R.J. Tobacco or RJR
6 Industries, did you at times prepare certain
7 memos or documents that you would distribute to
8 others?

9 A. Sure.

10 Q. To your knowledge, with respect to
11 that universe of documents, were there ever a
12 time when, to your knowledge, those documents
13 went to lawyers for their review, either in-house
14 lawyers at those entities or outside counsel?

15 A. Yes.

16 Q. Was there a practice with respect to
17 lawyers review of documents?

18 A. In some cases, and others -- I'm not quite
19 sure what you mean by was there a practice.

20 Q. Was there a procedure that you
21 understood that you had to comply with which, in
22 essence, required you to provide certain
23 documents that you prepared to be circulated to
24 lawyers for their review?

25 A. Well, if something, for instance, was

51721 6027

1 patentable, you certainly would put the patent
2 attorneys, one of several on your distribution.

3 Q. What about --

4 A. If it was anything like, if you were going
5 to make a speech out in public or do something
6 where you were actually representing the company,
7 I don't know that you were required to, but I
8 think common prudence would suggest that you run
9 it by them if you thought there was anything at
10 all in it that might be controversial.
11 Contracts.

12 I spent two or three years as kind of
13 client on building a new R and D facility, and I
14 think we did things with the architects or the
15 contractors or the vendors of any consequence we
16 often would run by the legal people and the risk
17 people. That kind of thing.

18 Internal documents of the -- the only thing
19 I can think of right offhand in there is if we
20 were sending documents to -- I was trying to
21 think of people who were there who would review
22 documents, but it has been a long time. I'm
23 sorry.. I can't tell you what kind of documents
24 they would and would not review.

25 Q. When you say there were people who

51721 6028

1 would review documents, do you mean lawyers?

2 A. We had a lawyer in R and D, a good bit of
3 the time, after the mid 80's or something.

4 Q. What was his name or names?

5 A. You got me there.

6 Q. Okay. What did you understand to be
7 his responsibilities?

8 A. To advise us about any legal matters,
9 patents, speeches, publications, whatever.

10 Q. Did you ever make any speeches in
11 public where you believed you were representing
12 the company?

13 A. Nothing comes to mind. If it was, it was
14 way years back as a scientist in a scientific
15 meeting. No.

16 Q. I don't recall whether you answered
17 this. Do you recall the name of any of the
18 lawyers who were at the R and D department?

19 A. I was trying hard to think. There was a
20 young lady there most of the time that I was
21 there, but I cannot remember. I know what she
22 looks like; but I just can't remember her name.
23 I'm sorry.

24 Q. Okay. I'm just asking to the best of
25 your present recollection, so if you don't

51721 6029

1 recall, that's all I can ask you to do.

2 A. I'm sorry --

3 Q. Have you ever been subpoenaed to
4 testify before a grand jury?

5 A. No, sir.

6 Q. Did you ever have any contacts with
7 any representatives of the Department of Justice
8 or law enforcement agencies?

9 A. No. I had some -- no. Not law
10 enforcement. Some people from -- purported to be
11 from food and drug or something.

12 Q. The FDA, is that who you mean?

13 A. Maybe that's who it was.

14 Q. Who was that?

15 A. I couldn't -- since all of this smoking
16 health stuff started flapping around a few years
17 ago.

18 Q. Were you still employed by --

19 A. No.

20 Q. -- RJ?

21 A. No. It was after I retired. I declined to
22 talk to him, but he called me.

23 MR. PLASSE: Let me have marked as
24 Teague Exhibit 2, Bates RJR 12322 through 12323.

25 THE WITNESS: Do you want this one

51721 6030

1 back?

2 MR. PLASSE: Sure.

3 (Teague Exhibit Number 2 was marked
4 for identification.)

5 BY MR. PLASSE:

6 Q. Let me show you what's been marked as
7 Teague Exhibit Number 2. It has a heading of
8 interoffice memorandum dated May 4, 1970. It has
9 got a signature on the back. It appears to be of
10 Eldon Nielson, N-i-e-l-s-o-n. Do you know who
11 Mr. Nielson is or was?

12 A. He was a biochemist that worked in the lab
13 at Reynolds.

14 Q. At the RJR Tobacco Company?

15 A. I guess so.

16 Q. Did he work with you or was he under
17 your supervision or --

18 A. All of the above.

19 Q. By the way, on the second page of
20 Teague Exhibit 2 under the very last words under
21 cc are Dr. C.E. Teague, Jr. Okay. Having noted
22 that, do you have any present recollection of
23 having seen Teague Exhibit Number 2 before?

24 A. None whatsoever. I was reading it with
25 interest.

51721 6031

1 Q. Do you have any reason to believe,
2 given the fact that you are listed as a cc here,
3 that you did not receive it?

4 A. Well, sir, if I don't remember ever seeing
5 it, then it would be hard for me to answer that.

6 Q. Right. But let me ask you this: Was
7 it the practice at RJR Tobacco that when a
8 document listed a cc to a particular individual,
9 that that individual was given a copy of that
10 document?

11 A. That would be normal practice, sir.

12 Q. And you don't know of any specific
13 reason why that practice might not have been
14 complied with, with respect to Teague Exhibit
15 Number 2, do you?

16 A. No.

17 Q. Let me ask you to focus on the first
18 page of Teague Exhibit Number 2. There is a
19 heading, "Nicotine Habituation Study." It
20 states, "this work was undertaken to study
21 whether rats exposed to nicotine over extended
22 periods of time would become dependent upon it.
23 The animals were able to self-administer nicotine
24 at will, after our own smoking physiology studies
25 were terminated. We asked Industrial" -- what is

51721 6032

1 that, bio -- I'm not sure I can read that.

2 A. Biotest, I believe on my copy it looks
3 like.

4 Q. "To discontinue these studies since
5 they were designed to supplement and support
6 studies we were pursuing."

7 Do you presently recall any work
8 undertaken at RJR Tobacco to study whether rats
9 exposed to nicotine would become dependent upon
10 nicotine?

11 A. I have no recollection of that. It is the
12 kind of thing I would not have been involved in.

13 Q. Do you have any view as to who would
14 be involved in that?

15 A. Well, El Nielson and his people, I guess.
16 I just don't know.

17 Q. Do you presently recall that looking
18 at the third sentence, "after our own smoking
19 physiology studies were terminated, we asked
20 Industrial Biotest to discontinue these studies,"
21 and it continues. Do you have any recollection
22 of smoking physiology studies being terminated at
23 RJR Tobacco?

24 MR. DAVIS: Objection. Go ahead.

25 BY MR. PLASSE:

51721 6033

1 Q. Let me rephrase it.

2 A. I don't -- go ahead.

3 Q. Do you have any present recollection
4 as to whether any studies undertaken at RJR
5 Tobacco with respect to whether rats exposed to
6 nicotine would become dependent upon it, was
7 terminated at any time?

8 MR. DAVIS: Objection.

9 THE WITNESS: Since I don't know of
10 the study, I can't know if it was terminated or
11 not.

12 BY MR. PLASSE:

13 Q. Who is Industrial Biotest?

14 A. They are or were a commercial testing,
15 biological testing laboratory, I believe, in
16 Chicago.

17 Q. Did they ever do any work for RJR
18 Tobacco?

19 A. I believe they did. I believe they did.

20 Q. Do you know over what period of time
21 they did work for RJR Tobacco?

22 A. I sure don't. I was not involved in that
23 kind of thing.

24 Q. Did you have any involvement -- well,
25 did you ever have any contacts with

51721 6034

1 representatives of Industrial Biotech when you
2 were at RJR Tobacco?

3 A. I went to their laboratory in Chicago some
4 time for sort of a show and tell, I guess it was
5 when they were being -- I don't know, but my
6 guess it would be the kind of thing if they were
7 seeking our business or something. Of course I'm
8 sure you are aware of all the difficulties that
9 company got into down the road.

10 Q. Do you know what type of work
11 subjects or types of work Industrial Biotech did
12 for RJR Tobacco?

13 A. Well, this, I guess, has something to do
14 with smoking physiologist, whatever that means.
15 I'm not a biological person, biologist. I am a
16 biology person, but I don't know what all of that
17 means. I was only minimally involved, I think in
18 that, because I think at that time I was -- from
19 that earlier document, I believe at that time I
20 was assistant director of research and it was
21 kind of ex officio. When is that?

22 Q. I'm sorry, what are you --

23 A. The one we saw just previous to this one.

24 Q. Exhibit 1097 is your resume.

25 A. I think I may be able to help you.

51721 6035

1 Assistant director from 1/70 to 12/75 and this is
2 May '70, so, yeah, I would have, at that time I
3 was assistant director of research.

4 Q. Let me just ask you, you said you are
5 not a biological type of person. Do you consider
6 yourself a chemistry type of person?

7 A. I am a chemist by training, physical
8 scientist. In my life I think I took biology in
9 high school and made a C on it and I took zoology
10 in college for one semester and did not care for
11 it. That's all my total training in those areas.

12 Q. Who is Murray Senkus? I'm not sure
13 I'm pronouncing it right, S-e-n-k-u-s.

14 A. Who is he or was he or when or what?

15 Q. Who was he? Did he work for RJR
16 Tobacco?

17 A. Yes, sir. Well, I could save you some
18 time. At this time I believe he was director of
19 research when this document -- and I was
20 assistant.

21 Q. You were assistant director of
22 research and he was director?

23 A. I believe that's true.

24 Q. So from 1970 to '75, at least, he was
25 director of research; is that correct?

51721 6036

1 A. I'm not sure when he left or retired or
2 moved. I don't know.

3 Q. Did he leave RJR Tobacco before you
4 did?

5 A. Oh, yes. Murray is ten years older than I
6 am, so he is currently 83.

7 Q. Have you spoken to Mr. Senkus since
8 you left RJR Tobacco?

9 A. Oh, sure, a few times.

10 Q. Does he live in the Winston-Salem
11 area?

12 A. I believe he does now. I lost touch with
13 him. He went to Indonesia, somewhere for a good
14 many years, with some kind of assignment. He
15 road his bike by my house some time or another
16 and came in and howdy dood and then he -- oh, I
17 think he called me a time or two just more or
18 less just, you know, whatever.

19 Q. When is the last time that he called
20 you?

21 A. Gosh, I don't know. Probably a year ago.

22 Q. Do you recall what you discussed at
23 that time?

24 A. To discuss what?

25 Q. What did you talk to him about at

1 that time?

2 A. I couldn't tell you.

3 Q. At any time since you left RJR
4 Tobacco have had any discussions with Mr. Senkus
5 about your work at RJR Tobacco?

6 A. I don't recall any. I can't think of any
7 occasion. He's a big physical fitness buff and
8 he rides around all over and jogs all over and on
9 occasion he'll stop in and say howdy, but.

10 Q. You don't recall discussing your work
11 with him or his work with you after you left RJR
12 Tobacco?

13 A. It's possible that he did. If he did, I
14 don't recall it. It was more chit chat.

15 Q. Let me show you what was marked as
16 Exhibit 1085 in the Minnesota case. I'm sorry,
17 you have an extra one, so let me give one to your
18 counsel.

19 A. Do you want this one back?

20 Q. Sure.

21 Let me ask you first whether you've
22 ever seen this document before, Exhibit 1085?
23 Your name is not on it, as far as I can see.

24 A. Well, just flipping through it quickly, it
25 certainly doesn't ring any bells.

1 Q. Look at the very top of the exhibit
2 says talk delivered to RJR Tobacco Company
3 management, June, I think it is 23, 1974, and RJR
4 Tobacco International management, August 4, 1976
5 by Murray Senkus. Did you personally ever attend
6 any talks that Mr. Senkus gave to either RJR
7 Tobacco Company or to RJR Tobacco International
8 management in the 1970's?

9 A. Did I attend any?

10 Q. Yes.

11 A. I don't know what you mean by a talk. We
12 did --

13 Q. Presentations?

14 A. Budgets and program presentations, I think
15 to some of the management people occasionally.

16 Q. Okay.

17 A. They were more like we were just sitting
18 around the table telling them stuff. This --

19 Q. Okay. Let me ask you a question
20 about what you just referred to. Would you have
21 an annual talk or annual presentation about a
22 budget with RJR Tobacco Company management?

23 A. In what period, sir?

24 Q. Well, 1970's when you were either
25 manager of chemical research -- I'm sorry,

51721 6039

1 assistant director of research?

2 A. I -- I don't know if there was a regular
3 something. I think we probably -- I say we, it
4 may have been Murray, it may have been somebody
5 else, presented a budget.

6 See, we had a vice-president for research
7 and development as well as a director, and I was
8 the assistant director, so if you say research,
9 then as far as I'm aware, meetings that I may
10 have participated in would have been more
11 programmatic meetings, what we plan to do or
12 hoped to do or had done or something we had
13 accomplished or hadn't accomplished, but they
14 were very, very rare.

15 Q. I'm sorry, you say those were
16 programmatic meetings?

17 A. Meetings having to do with the work, what
18 we were doing or planning to do with the budget,
19 maybe or something. I'm not sure I ever knew
20 what the budget was. Yeah, I guess I did.

21 Q. I mean, did you approve or did you
22 take part in the budgetary process on an annual
23 basis?

24 A. Well, it evolved slowly. When I was
25 manager of chemical research, I don't think we

1 had a budget. I used to complain, you know, I
2 don't know what we're spending, one day somebody
3 is going to come and want me to justify my
4 existence, and over time there developed a budget
5 system of sorts, but I'm not sure it was very
6 detailed.

7 Q. Well, during the time that you were
8 assistant director of research, 1970 to 1975, was
9 there an annual budget prepared?

10 A. I'm sure there must have been. I really
11 don't remember my input if any in there.

12 Q. Do you have any present recollection
13 for what the annual budget was for research
14 during that time period, 1970 to 1975?

15 A. Is it on that document?

16 Q. The numbers aren't on it.

17 A. Not the internal resume type thing. At
18 some point I think I did get a round number for
19 the department, but I couldn't tell you what it
20 was.

21 Q. When you say department, you are
22 referring to research, the research department?

23 A. Right. There was a research and
24 development department and then it was broken
25 into a research department and a development

51721 6041

1 department.

2 Q. Right. Okay.

3 A. And I'm pretty sure I never saw any of the
4 development part.

5 Q. So the budget for the research
6 department during the years 1970 to '75, do you
7 presently recall whether the annual budget was in
8 excess of \$100,000?

9 A. Well, it would have had to be.

10 Q. Was it in excess of \$500,000?

11 A. Well, let's don't play games. I really
12 don't know.

13 Q. I'm just trying to refresh your
14 recollection.

15 A. I don't think you can refresh it, because
16 it isn't refreshable. I'm not sure I ever knew,
17 in other words.

18 Q. I think you said earlier that you
19 would at times have program presentations with
20 members or representatives of management of RJR
21 Tobacco Company; is that correct?

22 A. I believe so.

23 Q. How often would you have those
24 presentations?

25 A. They were ad hoc type things, I think.

1 Q. Would it be more than once a year?

2 A. It could have been. It could have been
3 none a year. They were not things that were -- I
4 don't believe regularly scheduled.

5 Q. And who would be present, which
6 individuals do you recall being present on behalf
7 of RJR Tobacco Company management at any of those
8 meetings?

9 A. It could have been a widely variable group,
10 anywhere from the president of the company down.

11 Q. Who was the president of the company
12 during the time you were assistant director of
13 research, from 1970 to '75?

14 A. God, I don't remember. We ran through so
15 many in those days. President of the company --
16 if might have been Colin Stokes. It could have
17 been Bill Hobbs. There were several there and
18 some untimely deaths, one thing or another. I
19 didn't deal with those people that much.

20 Q. Well, how often did you deal with
21 them during the period of 1970 to '75, how many
22 times did you meet with the president of the
23 company, whether it was Mr. Stokes or Mr. Hobbs
24 or some other person?

25 A. I may have attended a large meeting and

51721 6043

1 they were there. I never personally went and
2 met. I used to meet with -- the only time I
3 remember meeting with Hobbs was when he gave us
4 stock options, but he -- you know, I've known him
5 all, ever since I've been there. I didn't have a
6 direct reporting relationship. I reported
7 through the director of research and the
8 vice-president of research, and probably an
9 executive vice-president, too, so.

10 Q. I understand you didn't report to him
11 directly. I'm trying to determine how many times
12 during the time you were assistant director of
13 research, the first, I guess 1970 to 1975 you had
14 meetings with the president of the company, and
15 you don't presently recall?

16 A. I attended meetings where he was present?

17 Q. Right. Where he was present.

18 A. I don't have a clue.

19 Q. Okay. Why don't we look at Exhibit
20 1085. I understand you didn't write this
21 document and I guess you don't recall ever seeing
22 it. What I would like to do is read to you some
23 of the statements here and ask you whether you
24 agree or not with the statements.

25 A. Well, I would like to read the whole thing

1 first.

2 Q. If you want to. Maybe we should take
3 a break then.

4 A. It would be a good time to take a break,
5 because I hesitate to start looking.

6 Q. I can tell you, by the way, I'm going
7 to be focusing on pages -- about the first seven
8 pages of the document. Feel free to read the
9 entire document if you wish. Why don't we take a
10 break.

11 THE VIDEOGRAPHER: We're going off
12 the record at 2:45 p.m.

13 (Recess was taken.)

14 THE VIDEOGRAPHER: We're going back
15 on the record at 3:03 p.m.

16 MR. PLASSE: Before we get started
17 with the questions, just a housekeeping matter,
18 procedural matter.

19 Mark and I had a conversation before
20 the deposition began, we're not certain whether
21 we stated this on the record, so I will state it
22 at this point, and that is, we have an agreement
23 that we can use the deposition transcripts taken
24 in the State of Minnesota versus Phillip Morris,
25 et al, with respect to Dr. Teague's deposition,

51721 6045

1 which was taken in July of 1997, I believe, four
2 days in 1997. We can use those transcripts as if
3 they were taken in this action; is that correct?

4 MR. BELASIC: Yes. That's our
5 agreement.

6 BY MR. PLASSE:

7 Q. Okay, Dr. Teague, turning to Exhibit
8 1085, and once again, I understand you did not
9 write this document but the document makes a
10 number of statements and I want to get your view
11 as to whether you agree or don't agree with
12 certain statements I want to refer you to.

13 Turning to the second page of Exhibit
14 1085, which has the heading of smoker
15 satisfaction, probably about the fourth
16 paragraph, it states, "in smoking, the effect
17 produced on the human body is ascribable mainly
18 to nicotine." Do you agree with that statement?

19 MR. BELASIC: I'm going to object to
20 the form as an improper opinion question to a non
21 expert. You can answer.

22 THE WITNESS: I don't really have any
23 opinion on that, I guess.

24 BY MR. PLASSE:

25 Q. Okay. Dropping down about three

51721 6046

1 paragraphs, it states, "when one inhales, one
2 gets into the lungs and then into the blood a
3 certain amount of nicotine." Do you agree with
4 that statement?

5 A. That's my understanding of what happens,
6 but I'm certainly, as I pointed out earlier, I am
7 not expert in biological matters.

8 Q. Okay.

9 MR. BELASIC: Just so I don't have to
10 interrupt, can I just have a running objection,
11 if you are going to ask him his opinion of
12 whether or not he agrees with something that
13 Dr. Senkus states, I'm going to object that it's
14 an improper request for an opinion from a non
15 expert witness and can I just have a running
16 objection to this exhibit so I don't have to
17 interrupt?

18 MR. PLASSE: Right. You can have a
19 running objection. It probably doesn't surprise
20 you, I don't agree with your objection, but you
21 have your running objection, that's fine.

22 BY MR. PLASSE:

23 Q. It continues, "for example, a person
24 smoking a non filtered cigarette taking one puff
25 a minute and inhaling ten puffs" -- well, I'm

51721 6047

1 sorry, let me withdraw that question.

2 Going on to the next page, Page 3
3 states, "so this is what happens when a normal
4 smoker smokes, inhales ten puffs, one
5 puff/minute, nicotine level in about a minute
6 reaches a maximum." Do you agree with those
7 statements?

8 A. I don't know.

9 Q. Do you agree that when one smokes a
10 cigarette, nicotine level reaches a certain
11 maximum level within a couple of minutes and then
12 after that drops down?

13 A. Sir, I just don't know. I don't agree or
14 disagree.

15 Q. Skipping to the next paragraph it
16 states, "the nicotine in the blood acts upon the
17 central nervous systems and produce in the
18 average smoker a sensation one could describe as
19 both stimulating and relaxing." Do you agree
20 that the nicotine in the blood acts upon the
21 central nervous system?

22 A. I can't say from my own knowledge that it
23 does. I think I heard that somewhere, but, you
24 know, it may or may not. I guess it does, but my
25 opinion is not very valuable or useful in this

1 thing.

2 Q. Skipping down a couple of paragraphs
3 it states, "it can be assumed that the amount of
4 nicotine that is required to get this desired
5 effect varies from person to person." Is that
6 correct?

7 A. Sir, I just don't know.

8 Q. Well, do you have any opinion at all
9 as to whether there is a minimum dosage of
10 nicotine required for a smoker to receive certain
11 effects from smoking?

12 A. That's an extremely general question.

13 Q. Okay.

14 A. It would be hard for --

15 Q. Have you ever studied the issue or
16 considered the issue of minimum dosages of
17 nicotine necessary for cigarettes?

18 A. I think I've thought about it.

19 Q. What are your views generally about
20 minimum dosages of nicotine?

21 MR. DAVIS: Objection.

22 THE WITNESS: I don't really have any
23 at this time. I may have had them some time in
24 the past, I just don't --

25

51721 6049

1 BY MR. PLASSE:

2 Q. Well, what were they if anything some
3 time in the past?

4 MR. DAVIS: Objection.

5 THE WITNESS: I sure don't have any
6 at the moment. I don't know what a minimum
7 dosage would be or how you would even measure it.
8 I don't know what your criteria, I mean, that's a
9 very general question. I just don't think I can
10 answer it.

11 BY MR. PLASSE:

12 Q. I'm going to show you, I'm not sure
13 what number this is, it is Exhibit 108, I think
14 six, marked in the Minnesota case. Have you seen
15 this document before, Exhibit 1086?

16 A. I certainly do not recall ever seeing it.

17 Q. Okay. 1970, May of -- I'm sorry, May
18 of 1971, Dr. Senkus was your superior, right,
19 your boss?

20 A. Yes, sir. I believe that's the truth.

21 Q. And we talked before about IBT,
22 right, that was that testing group; is that
23 correct; Industrial Biotech Laboratory?

24 A. Well, that would be a -- I guess so, yes.
25 I don't know.

51721 6050

1 Q. First paragraph states, "as a result
2 of discussions with Dr. Teague and with section
3 heads, the following are suggested as possible
4 IBT undertakings." Do you presently recall
5 having any discussions with Mr. Laurene,
6 L-a-u-r-e-n-e or section heads about IBT
7 undertakings in around 1971?

8 A. I sure don't.

9 Q. Do you have any present recollection
10 of asking IBT or anyone at RJR Tobacco to look
11 into what is referred to in Paragraph 4 of this
12 Exhibit 1086, habituating level of nicotine?

13 A. No. I don't know how you would do it.

14 Q. What?

15 A. I don't know how you would do it.

16 Q. Okay. So you don't recall asking IBT
17 or anybody else, IBT or anyone at RJR Tobacco, to
18 look into habituating levels of nicotine, do you?

19 A. I certainly -- this doesn't say I did. It
20 just says he discussed these with me. It doesn't
21 even say that I agree with them.

22 Q. I'm not asking whether you agree with
23 them or not.

24 A. It's funny that I didn't get a copy of it.

25 Q. I'm not asking whether you got a

51721 6051

1 copy. I'm asking whether you presently recall --

2 A. No.

3 Q. -- Whether anyone at IBT or anyone at
4 R.J. Tobacco, whether anyone looking into the
5 issue of habituating level of nicotine?

6 A. Not that I recall.

7 Do you want this back?

8 Q. Sure.

9 Let me show you what was marked
10 Exhibit 1057 in the Minnesota litigation. This
11 is one of the documents that Mr. O'Fallon asked
12 you about during the course of your deposition in
13 July in that case. I'm not going to again ask
14 you -- I'm going to seek to avoid questions that
15 he asked about, but if you could turn to
16 particularly Page 4 of the document.

17 A. Could I refresh my memory --

18 Q. Well, sure. Just for foundation
19 purposes --

20 A. -- what this is?

21 Q. Yes, you can look at it. My first
22 question is, this is going to be a document that
23 you prepared in or around April of 1972.

24 A. I think I remember on this one, some of it.
25 I'm not sure I remember what it says, but go

1 ahead.

2 Q. Okay. Is that your signature on Page
3 9 of Exhibit 1057?

4 A. Yes, sir.

5 Q. Did you -- is this a copy of a
6 document that you prepared on or about April 14,
7 1972?

8 A. Well, some time prior to April 14th. I
9 don't know how much prior, but.

10 Q. Okay. And is it a correct and
11 accurate copy of that document that you prepared
12 some time prior to April the 14, 1972?

13 A. I assume so. I haven't read it.

14 Q. Okay.

15 A. And, you know --

16 Q. You have no reason to believe it's
17 not an accurate copy, do you?

18 A. If this is the copy that was produced by
19 R.J. Reynolds, I assume this is an accurate copy.

20 Q. Right. Did you prepare this document
21 in the ordinary course of your business at RJR
22 Tobacco?

23 A. I don't think I did.

24 Q. Well, why is that? Why do you say
25 that?

51721 6053

1 A. Well, it is a long story, do you want to
2 hear it?

3 Q. Is this the ten percent issue?

4 A. That's part of it, and the school, the
5 executive program training in Chapel Hill and the
6 requirement for a thesis and on and on. You
7 know, we went through all of this, I think
8 before.

9 Q. Right. This document was prepared by
10 you while you were an employee of RJR Tobacco; is
11 that correct?

12 A. Yes, sir.

13 Q. Was it part of your responsibilities
14 to prepare this document?

15 A. I don't think so.

16 Q. But you prepared it while you were at
17 R.J. Tobacco?

18 A. Sure.

19 Q. What were the circumstances
20 surrounding your preparation of this document?

21 A. I think we went into all of that in the
22 earlier deposition. Do you want to hear it
23 again?

24 Q. Well, why don't you start.

25 A. Well, in 1968 and or nine, I went through

51721 6054

1 the executive program at the University of North
2 Carolina at Chapel Hill, the business school,
3 sponsored by my company, and among the
4 requirements for completion or graduation or
5 whatever, was that one prepare a long range plan
6 for their company or their subset of that
7 company.

8 I had a problem with that, because one, I
9 couldn't prepare a plan for the company or in
10 R and D, the vast majority of what we do is
11 proprietary, unpublished, so with some
12 negotiation with the people in the business
13 school and with the people at Reynolds, we agreed
14 that I would do my thesis, if you would like to
15 call it that, on the smoking health issue as it
16 effected the tobacco industry and based, pretty
17 largely I think on the surgeon general's report
18 of 1964.

19 My mentor, or the person that I worked
20 with, worked under, had his doctorate in
21 psychology. He was a behavioral scientist and so
22 forth, so this is slanted a lot towards his
23 guidance, and I think I prepared an earlier
24 document and in pretty much draft form that I
25 reviewed with him and he said okay, you pass or

51721 6055

1 whatever, and gave it back.

2 The agreement was that I would not leave
3 any documents there under any circumstances, and
4 he read it and seemed pleased with it and made
5 some suggestions and gave it back to me and I
6 think I did go through one revision of a second
7 draft, maybe, or something, and then when I came
8 on back to work and had time over time, I took, I
9 think the best I remember, pieces of that thesis,
10 which as far as I'm aware, I don't think anybody
11 at Reynolds saw it, and I think then just -- I
12 had had all these, being a simple chemist, I had
13 all these stimulating costs about planning and
14 marketing and human behavior and accounting and
15 what all, and so I pursued some of those just for
16 my own, because of my interest and to further
17 develop some thoughts, and I write a lot anyway,
18 I've always been one who writes a lot of
19 different scenarios and all and I think this was
20 prepared in that -- I think you've got a bunch of
21 other things that I wrote in that same general
22 time period. I believe I finished the course in
23 Chapel Hill in the spring of probably '69 and
24 came back, and when I had time, I would write
25 some of these things.

51721 6056

1 So that is where this came from, and as you
2 mentioned the ten percent thing, we had in
3 R and D, a ten percent of our time we could
4 devote to things that were hopefully in some way
5 related to the tobacco industry but things that
6 you did not have to report or discuss or probably
7 didn't want you to spend a whole lot of money on
8 them either, but you could spend your time doing.
9 It is not unusual among industrial laboratories.
10 At that time, I believe most of them had the same
11 allowance of time, and this, as I recall, is a
12 product of that time.

13 It is, you know, when you sit back and put
14 some thoughts on paper and examine them and I
15 think a lot of it was meant to be to me
16 provocative, okay, if you start with this
17 premises, where do you come out on it, what would
18 you do or what would -- is there anything in here
19 that would be useful for R.J. Reynolds Tobacco
20 Company R and D to work on and so this, I think I
21 start out making certain -- laying out some
22 premise, premises, and then examining, and I
23 think that is certainly in the first line here
24 says in a sense the tobacco industry may be
25 thought of and so forth. That means, okay, here

51721 6057

1 is something maybe may not be, and in one sense
2 or another sense and what all, and then I go
3 through and try -- it was my technique in those
4 days at least to develop as much as I could as
5 you would if you were trying a case to develop
6 the things that would tend to support the premise
7 and or maybe not support it, and that's what this
8 is, and that same basic I dwell on, because that
9 is going to apply to -- I see some of the good
10 stuff I've written. They are all in that same
11 pattern, basically between '68 and nine and
12 school and about '72 or three as a carry over
13 from school, and I suspect I wrote some more and
14 never reduced them to typing or did or didn't. I
15 don't know. I mean, I'm a writer.

16 So, does that -- that's a long winded
17 answer.

18 Q. Right. I move to strike your answer
19 as nonresponsive. Let me ask you this --

20 A. Whoa, whoa. You asked me. I asked you if
21 you would like to hear my answer and you let me
22 go on and on. You know, if you don't want to
23 hear it, just say so, don't go through your
24 little move to strike, dah, dah, dah. Don't
25 waste my time, in other words. I'm here at your

1 request.

2 Q. Don't waste my time, either.

3 MR. DAVIS: Wait, wait. You asked
4 him a question, and you kind of gave him free
5 rein to give you an answer. He said he had
6 answered it in a previous depositions and you
7 wanted to hear it again. He has given it to you
8 and you move to strike it.

9 MR. PLASSE: The motion will be
10 granted or not. Can we move on?

11 MR. DAVIS: I know it, and don't tell
12 him he was wasting your time when you asked the
13 question.

14 MR. PLASSE: I move to strike your
15 answer as nonresponsive. I'm sorry about the
16 comment about wasting my time. I didn't intend
17 to say that.

18 BY MR. PLASSE:

19 Q. Exhibit 1057, you prepared this while
20 you were an employee of RJR Tobacco; is that
21 correct?

22 A. Yes, sir. I already said that.

23 Q. Okay. And this document was
24 circulated to who; if you recall?

25 A. No one.

51721 6059

1 Q. Where did you keep the document?

2 A. In my desk, I imagine.

3 Q. You had a file where you kept certain
4 documents that you prepared?

5 A. I had files.

6 Q. Let me ask you this: On the fourth
7 page of the document, fourth line.

8 A. Page 4, line four. Okay.

9 Q. It says, "in the absence of such
10 data, we may survey the market and conclude that
11 current cigarette products delivering 1.3," is
12 that milligrams, is that what mg is?

13 A. That's what it says, yes.

14 Q. "Of nicotine appear to "satisfy" the
15 typical smoker." Do you presently recall how you
16 reached the conclusion that current cigarette
17 products delivering 1.3 milligrams of nicotine
18 appear to satisfy the typical smoker?

19 A. Again, sir, I answered that in some detail
20 in the previous deposition. Do you want me to
21 repeat it?

22 MR. DAVIS: Go ahead and answer it
23 again.

24 BY MR. PLASSE:

25 Q. No. How did you conclude that, how

51721 6060

1 did you reach that number, 1.3?

2 A. Well, do you know what the Maxwell Report
3 is? Anyway, we took, I took the Maxwell Report,
4 and the FTC tar and nicotine values and combined
5 them and took averages of the ten leading
6 cigarette brands and that's the figure that came
7 in, 1.3 milligrams of nicotine. I don't believe
8 there was any product that actually had that. It
9 is a simple crude average.

10 Q. You gathered information about
11 nicotine levels from certain documents and then
12 performed a calculation, that's how you got the
13 1.3?

14 A. Sure.

15 Q. And to your knowledge, did anyone at
16 RJR Tobacco do work dealing with the issue of
17 what a target dosage is of nicotine?

18 A. I don't believe --

19 MR. DAVIS: Objection.

20 THE WITNESS: That's awfully vague.

21 BY MR. PLASSE:

22 Q. To your knowledge, did anyone at RJR
23 Tobacco do work dealing with what the minimal
24 level of nicotine in a cigarette would be
25 necessary to satisfy a typical smoker?

51721 6061

1 A. I don't know. I don't recall anybody doing
2 that.

3 Q. Did anybody tell you at any point
4 that -- well, withdraw that question. I'm sorry.

5 Did you ever hear the term target
6 dosage level of nicotine used while you were at
7 RJR Tobacco?

8 A. I don't recall.

9 Q. Did you have a view as to what the
10 minimal level of nicotine in cigarettes were
11 necessary in order to have smokers satisfy their
12 needs with respect to smoking cigarettes?

13 A. That's awfully general.

14 Q. So you can't answer it?

15 A. I don't think so.

16 Q. Okay. Did you ever hear the term
17 target dosage level?

18 A. I just answered that, I think I said I
19 don't recall hearing that. I don't say that I
20 didn't, or seeing it.

21 Q. Exhibit 1057, Page 4, the sentence
22 after the one I just read to you.

23 A. Where?

24 Q. Page 4.

25 A. Same page?

1 Q. Same page, next sentence it follows,
2 "this somewhat cruelly establishes a target
3 dosage level for design of new products."

4 A. Okay.

5 Q. What did you mean by target dosage
6 level in that context?

7 A. Just what it says.

8 Q. Minimum level of nicotine necessary
9 to satisfy the typical smoker?

10 A. I don't know.

11 Q. Well, what did you mean then?

12 A. Sir, I don't recall at this -- that was
13 what, 20 some years ago that this was written?

14 Q. Weren't you --

15 A. I didn't memorize it and, I mean, I don't
16 want to dance on the head of a pin with you, but
17 this tells how I arrived at that number, that was
18 an industry number, and for lack of any better
19 number, you can play with that one.

20 Q. Right. I understand your testimony
21 about how you reached the 1.3 number. My
22 question now is, is it your use of target dosage
23 level in your document here referred to the
24 minimum amount of nicotine necessary to satisfy
25 the typical smoker?

51721 6063

1 A. That isn't the way I defined it, I don't
2 believe.

3 Q. Well, what did you mean by it then?

4 A. Like I said, I don't remember exactly what
5 I meant by it. It may have been the maximum
6 amount. It may have been the average amount, you
7 know, I don't really know.

8 Q. You have presently no recollection by
9 what you meant by the term target dosage level in
10 this document that you wrote; is that correct?

11 A. Not at this time I don't, no.

12 Q. Did you have a view when you wrote
13 this document that there was a minimum level of
14 nicotine necessary in order to sell cigarettes,
15 RJR Tobacco cigarettes?

16 A. I don't know what was in my head. This was
17 a theoretical document to start with.

18 Q. Let me ask you this: Did you have a
19 view in 1972 that if RJR Tobacco cigarette had .1 --
20 I'm sorry, I always get this -- is this
21 milligrams, mg is what, milligrams?

22 A. In here, yes.

23 Q. I'm sorry. Did you have a view in
24 1972 that if RJR sold a cigarette with .1
25 milligrams of nicotine that it would not sell, it

51721 6064

1 would not be commercially marketable?

2 MR. BELASIC: Object to the form.

3 THE WITNESS: I don't know.

4 BY MR. PLASSE:

5 Q. Did you have a view in 1972 that RJR
6 cigarettes had to have a certain level of
7 nicotine in order for them to be -- in order for
8 them to sell commercially?

9 MR. BELASIC: Object to the form.

10 THE WITNESS: I don't know what I
11 thought in 1972.

12 BY MR. PLASSE:

13 Q. At any time have you ever had a
14 belief that RJR cigarettes would have to have a
15 certain minimum level of nicotine in order for
16 them to be commercially successful?

17 MR. BELASIC: Same objection.

18 THE WITNESS: In general, I could
19 give you a general answer that I think the level
20 of nicotine is important in selling cigarettes.
21 What it should be, who knows, I don't. I never
22 did.

23 BY MR. PLASSE:

24 Q. Did you ever have a view as to
25 whether there was a minimum level or range of

51721 6065

1 minimum levels in nicotine necessary to sell
2 cigarettes?

3 A. Excuse me, I lost the last part of your
4 sentence.

5 MR. PLASSE: Read it back, please.

6 (The preceding question was read back.)

7 THE WITNESS: I just don't remember.
8 If I did, I don't remember it. I don't say that
9 I did, I don't say that I didn't, I just don't
10 know.

11 BY MR. PLASSE:

12 Q. Let me show you what was marked as
13 Exhibit 1087 in the Minnesota litigation. You
14 can give me that. You were asked about this
15 document at your deposition in the Minnesota
16 litigation; do you recall that?

17 A. This one?

18 Q. Yes. I'm sorry, 1087.

19 A. There are two of them. One of them is with
20 the heading and one of them is without it. This
21 is one, I think that was very, very few of this
22 group that I thought maybe made enough sense to
23 circulate to somebody.

24 Q. I move to strike your answer as
25 nonresponsive.

51721 6066

1 Were you asked about this document
2 1087 in the deposition in the Minnesota case?

3 A. Is this it?

4 Q. Yes. That's the one. When I say
5 1087, I am referring to the number that's in the
6 bottom right-hand of that document, first page of
7 the document.

8 A. Okay. Probably was. I think, yes, I think
9 this is the one we talked about.

10 Q. The first page, the first line where
11 it says summary, refers to a study of the latest
12 Maxwell Report, and you were just referring to
13 that in your earlier answer. Can you tell me
14 what the Maxwell Report is that you are referring
15 to here?

16 A. I believe there's a copy of it attached to
17 this or the accompanying document. This may be
18 the one that is not -- there are two that are --
19 I think the contents are identical. One is
20 addressed to somebody and distributed to them, as
21 I recall, and the other one was just my usual
22 thing written to me and put in my file.

23 I believe the one written to me has a copy
24 of the Maxwell Report, and I believe you'll find
25 it in the papers from the deposition.

51721 6067

1 Q. Okay. Can you just tell me generally
2 what the Maxwell Report is that you refer to
3 here; if you recall?

4 A. The Maxwell Report in general, was a report
5 that somebody wrote, somebody named Maxwell wrote
6 that periodically listed by brands and by
7 manufacturer sales, I think in units or maybe
8 dollars or something or other. I believe it was
9 attached to the earlier version, the version of
10 this that was not distributed, but I could be
11 wrong.

12 Q. Let me ask you if you could turn to
13 Page 6 of Exhibit 1087.

14 A. Okay.

15 Q. The first full paragraph, first
16 sentence states --

17 A. Of Page 6, excuse me. I was going to
18 say -- all right. Go ahead.

19 Q. We are evolving new research
20 technology. I believe it is possible to
21 manufacturer a high quality cigarette which will
22 deliver 1.3 milligrams of nicotine at a uniquely
23 low T/N ratio of ten, meaning it will deliver 13
24 milligrams of tar.

25 Let me ask you a couple of questions

1 about that sentence.

2 A. Go ahead.

3 Q. T/N refers to tar and nicotine ratio?

4 A. Yes, sir.

5 Q. And that is just a simple calculation
6 of the amount of tar divided by the amount of
7 nicotine?

8 A. I believe so, yes.

9 Q. And what, for example, when you refer
10 to 1.3 milligrams, of nicotine, that's 1.3
11 milligrams derived from what type of testing?

12 A. The FTC.

13 Q. Smoking test?

14 A. I believe.

15 Q. What are you referring to in this
16 sentence as the -- I'm sorry, withdraw that.

17 As a reference to, "our evolving new
18 research technology," what does that refer to?

19 A. I don't know. We talked about that I think
20 in the other deposition. I don't remember what
21 it referred to.

22 Q. How, if at all, was that evolving new
23 research technology going to enable you to
24 manufacture a high quality cigarette which would
25 deliver 1.3 milligrams of nicotine at a uniquely

51721 6069

1 low tar and nicotine ratio of ten?

2 A. Well, if I don't know what the technology
3 was, it would be hard for me it say.

4 Q. You don't know the answer?

5 Is it fair to say, that in March of --
6 in 1972, when this document, Exhibit 1087 is
7 dated, that you were considering the possibility
8 of developing a cigarette that would have a tar
9 and nicotine ratio which would -- I'm sorry, you
10 were considering the possibility of developing a
11 cigarette which would have a reduced tar and
12 nicotine ratio?

13 A. Reduced from what? I mean, I don't know
14 whether there is anything out there that had that
15 or not. I don't believe there was, but I was
16 saying, hey, you know, this maybe we ought to
17 make some and see, see what they smoke like.

18 Q. This document on Page 6 refers to a
19 tar and nicotine ratio of ten. Do you recall
20 what -- that's the sentence that I read to you
21 before. Do you recall what the tar and nicotine
22 ratios were for RJR Tobacco cigarettes that were
23 being sold at that time commercially, was it more
24 than ten?

25 A. Well, there is some in this table on Page

51721 6070

1 5, table one.

2 Q. Right.

3 A. Winston King filter soft pack, 14 point
4 something, I can't make out. Anyway, it is well
5 over ten. Salem, 15.1. Camels, 17, regular no
6 filter. And Winston, 100 millimeter, 14.9, and
7 then there are others listed from other
8 companies. It looks like about 14 and a half was
9 the lowest thing in those. Those were the top
10 selling brands -- well, in markets here.

11 Q. Okay. So in March of 1972, tar and
12 nicotine ratio for most commercially successful
13 cigarettes were all in excess of ten percent; is
14 that correct?

15 MR. BELASIC: Object to the form.
16 Percent?

17 BY MR. PLASSE:

18 Q. The tar and nicotine ratios were all
19 in excess of ten; is that correct?

20 A. These shown here, the ten, now there were
21 probably ninety more brands out there, and if you
22 calculated all the stuff for all of them, you
23 might have found one. I just don't remember.

24 Certainly among the major brands the
25 average -- this shows an average of 15.3, and for

51721 6071

1 the second ten a 15.2. That would probably
2 account for about 75 percent of the market.

3 Q. So the average of major brands in
4 March of 1972, that is the average tar and
5 nicotine ratio of the major brands in 1972, was
6 in excess of ten, wasn't it?

7 A. Yes, sir. These, the ones down here are.

8 Q. So when you are talking about on Page
9 6, a tar and nicotine ratio of ten, that's below
10 the average of the major brands; is that correct?

11 A. Yes, sir. I believe that's right.

12 Q. Okay. And do you recall presently
13 why you were considering having a tar and
14 nicotine ratio of ten which was an amount below
15 the average of the major commercially successful
16 brands?

17 A. Well, at that time, I think the tobacco
18 company was under lots of criticisms for alleged
19 smoking health problems and other things and the
20 theory here and the their theory was, well, if
21 people get the nicotine they want with a less
22 amount of tar, which was, I think tar was claimed
23 to be, supposed to be the bad guy, if you get the
24 same amount of nicotine with less tar, then you --
25 if all of this stuff going on, I guess was true,

51721 6072

1 then you presumably would have a cigarette that
2 had less of the things in it that they said it
3 had.

4 Q. Less of the bad guy, as you refer to
5 it?

6 A. Yes. Whatever.

7 Q. Tar was the bad guy?

8 A. Well, I don't --

9 Q. I withdraw that question. That's
10 fine.

11 A. I didn't say it was.

12 Q. I think you referred to it in
13 passing, but I withdraw the question. That's
14 okay.

15 A. I didn't mean to.

16 Are we through with that one?

17 Q. Yes.

18 A. We got a ways to go.

19 Q. We're getting down. We're reducing
20 the pile. Actually, a lot of these I'm not going
21 to have any questions, I just have them because
22 they were marked at the other deposition.

23 A. Okay. Good.

24 Q. That's not a true indication of how
25 much time, but then of course I have questions

51721 6073

1 for which I don't have any documents for, so.

2 Was there a project and research in
3 1972 dealing with high nicotine tar ratio
4 cigarettes?

5 A. Can I see what you are --

6 Q. Well, I'll show it to in a second.
7 Do you have --

8 A. I would rather read it before I answer.

9 Q. Well, I understand that, but I would
10 rather you answer before you read it.

11 A. Well, then, we're at what is known as an
12 impasse, sir.

13 Q. Well, you have to answer my question.
14 We're not at an impasse.

15 A. I don't remember.

16 Q. Fine. I have marked as the next
17 Exhibit, Teague Exhibit 3, a document Bates
18 number RJR 11809. She has to stamp it first.

19 (Teague Exhibit Number 3 marked for
20 identification.)

21 BY MR. PLASSE:

22 Q. Have you ever seen Teague Exhibit 3
23 before? You are listed as the recipient.

24 A. Yes, I can see that. Could I read it?

25 Q. Sure.

1 MR. PLASSE: Bill, just while he's
2 reading --

3 THE WITNESS: Sir --

4 MR. PLASSE: I wanted to address a
5 question to your counsel. You can continue
6 reading. You want to break at 5:30?

7 MR. DAVIS: No, 5:00.

8 MR. PLASSE: 5:00.

9 THE WITNESS: Okay.

10 BY MR. PLASSE:

11 Q. Okay. The document has a date of May
12 19, 1972, and it is listed as indicates it is
13 from a Frank Colby. Who is Mr. Colby, do you
14 know?

15 A. Frank was our librarian.

16 Q. Librarian at research?

17 A. Um-hum. For research and development.

18 Q. Did you receive this document in or
19 around May of 1972?

20 A. I have no recollection of ever having laid
21 eyes on it, but obviously.

22 Q. You are listed as the --

23 A. It is addressed to me. If I read
24 everything that was addressed to me, I would
25 still be reading.

51721 6075

1 Q. Do you have any reason to believe
2 that you didn't receive this document in or
3 around May of 1972?

4 A. I don't know what a high nicotine tar ratio
5 cigarette is.

6 Q. Well, if you look at Exhibit 1087
7 that we were talking about before, this document
8 talks about a cigarette with a reduced tar level,
9 is that correct, generally?

10 A. It talked about a tar -- that's a tar and
11 nicotene ratio. This is a nicotine tar -- you
12 know, maybe he -- I'm just guessing, I don't
13 know.

14 Q. Okay. Well, in 1972 you were
15 considering a cigarette with a reduced tar and
16 nicotene ratio, is that correct?

17 A. I was thinking about it.

18 Q. You were thinking about it.

19 A. Whether it would be, whether you could make
20 it and if you could, what it would be like.

21 Q. Were you talking to other people
22 about it as well?

23 A. Well, I sent that -- that other thing was
24 addressed to Ed Vassallo and Murray Senkus, so I
25 guess I was. Vassallo probably did.

51721 6076

1 Q. When you were referring to, I think
2 you called it that thing, you are were talking
3 about Exhibit 1087; is that correct? I just want
4 to get it straight for the record.

5 A. Sure.

6 Q. Okay. By the way, Mr. Senkus in 1972
7 was your boss, right, he was the director of
8 research?

9 A. In what?

10 Q. 1972, March of 1972?

11 A. Yes. I believe that's right.

12 Q. And what position did Mr. Vassallo,
13 V-a-s-s-a-l-l-o, hold in March of 1972?

14 A. Ed Vassallo was a vice-president for
15 R and D or equivalent words.

16 Q. Okay. So in March of 1972, you
17 weren't just internally thinking about a
18 cigarette with a reduced tar and nicotine level,
19 you were communicating with others in research
20 about that tissue, weren't you?

21 A. Sure. That's what that is. I sent it to
22 Vassallo and Senkus.

23 Q. Okay. And what efforts were made --
24 well, let me ask you this: On the bottom of
25 Teague Exhibit 3, that one page document you have

51721 6077

1 in front of you, Mr. Colby writes, "I feel these
2 two incidents prove that the high nicotine ratio
3 cigarette is a concept which is very much in the
4 air. We should definitely make an effort to be
5 first."

6 Do you have any knowledge about any
7 efforts to be first with respect to a high
8 nicotine tar ratio cigarette?

9 A. Well, if you are talking about a low tar
10 and nicotine cigarette, I take it that's
11 equivalent to what I am talking about, but the
12 reciprocal there of or something like that.

13 Q. Okay. Fine.

14 A. I think we hand made a few in the lab, you
15 know, you roll them with cigarette paper on a
16 machine that you buy at Sears and stuff like that
17 and --

18 Q. Right.

19 A. And I think they were made mainly by just
20 bumping up probably the burley tobacco in them
21 and they were, best I remember, not very
22 smokeable.

23 Q. So what you are talking about, some
24 prototype cigarettes that you used?

25 A. We would make little hand made cigarettes.

51721 6078

1 Q. And on those cigarettes, you would
2 pump up the burley tobacco?

3 A. I'm just guessing that would be the obvious
4 way to do it, to run the nicotine up without
5 increasing the tar, I think.

6 Q. Why would bumping up the burley
7 tobacco increase the nicotine levels?

8 A. The burley tobacco has roughly, average
9 twice the nicotine maybe that cured and oriental
10 tobaccos have.

11 Q. Do you know whether any cigarettes
12 commercially sold by RJR Tobacco, after 1972,
13 whether there was any effort to reduce the tar
14 and nicotine ratios?

15 A. I don't know. You would have -- we had a
16 development department and that would have fallen
17 with the brands group, and all of that would have
18 probably fallen into their area, and most of that
19 work on any potential new brands was obviously
20 highly sensitive and confidential. Unless you
21 had a need to know, you didn't usually know.

22 THE VIDEOGRAPHER: Mr. Plasse, we
23 have five minutes left on the video tape.

24 BY MR. PLASSE:

25 Q. Okay. My question wasn't, I think

51721 6079

1 you may have been answering the question -- well,
2 let me state the question another way.

3 A. Okay.

4 Q. After May of 1972, to your knowledge,
5 did any cigarettes sold by RJR Tobacco, whether
6 they were either existing brands or new brands,
7 have reduced tar and nicotine levels?

8 MR. BELASIC: Object to the form, it
9 is vague.

10 THE WITNESS: I don't know. That was
11 kind of out of my ball park. I may have known at
12 the time, but I sure don't remember.

13 BY MR. PLASSE:

14 Q. Did you know Mr. Townsend?

15 A. What Mr. Townsend?

16 Q. Mr. Townsend, do you know a
17 Mr. Townsend?

18 A. There was a guy we hired named David
19 Townsend, I believe, a young fellow from -- I
20 don't know --

21 Q. Regardless, did he work for RJR
22 Tobacco?

23 A. I believe so, if it's the one we're --

24 Q. Right.

25 A. Is that the one you are thinking about?

51721 6080

1 Q. I'm not sure. Did he -- did your
2 Mr. Townsend work in the research department?

3 A. I'm not sure, if you are not sure.
4 Mr. Townsend worked, I believe, I mean, in the
5 research department, but he may still be there.
6 He's a pretty young guy.

7 MR. PLASSE: Why don't we take a
8 break now.

9 THE VIDEOGRAPHER: We're going off
10 the record at 3:51 p.m. We're off the record.

11 (Off the Record)

12 THE VIDEOGRAPHER: This is tape two
13 of the video tape deposition of Claude Teague,
14 Ph.D. We're going back on the record at 4:02
15 p.m.

16 BY MR. PLASSE:

17 Q. Dr. Teague, I would like to go back
18 for a minute to Exhibit 1087 that we talked about
19 before, on Page 5.

20 A. Sure.

21 Q. Okay. I guess we referred to this
22 page before. It has got the combined data for
23 maximum FTC reports. Let me ask you this, if you
24 look under the column milligrams FT -- I'm sorry,
25 milligrams of nicotine, for example, Winston, I

51721 6081

1 believe it is 1.32, do you see that?

2 A. Yes, sir.

3 Q. How is that 1.32 number derived?

4 A. I believe that -- well, this one came from
5 the FTC laboratory. They ran a laboratory and
6 published results --

7 Q. Okay.

8 A. -- For a good many years, I think.

9 Q. Is that the FTC smoking machine?
10 What are you referring to?

11 A. The Federal Trade Commission operated a
12 laboratory with a guy in charge and a bunch of
13 people running FTC smoking tests by the method
14 they prescribed that gave you tar and nicotine
15 values.

16 Q. Okay.

17 A. So that's, I assume, that's where this came
18 from.

19 Q. Okay. And at some point, was RJR
20 Tobacco required to indicate on the packages of
21 its cigarettes the FTC -- the amount of nicotine
22 as measured by the FTC smoking tests?

23 A. I believe, I don't know whether it was
24 required by FTC or by law or by industry, FTC
25 agreement, but at any rate, every package, and I

1 believe every advertisement, bill board,
2 magazines and all, had FTC tar and nicotine on
3 them.

4 Q. Now, to your knowledge, did the
5 amount of the FTC nicotine, let's say Winston
6 King filters, the one listed first on Page 5, did
7 that change year to year?

8 A. Well, tobacco is a natural product and crop
9 years change, varieties change and climate
10 changes, and I would assume it would bounce
11 around some within moderately close limits.

12 Q. Okay.

13 And did you or anyone else to your
14 knowledge at research, when you were there,
15 maintain records indicating what the FTC nicotine
16 levels were for that period of time, '70 to '75?

17 A. I guess they are in the lab. I don't think
18 I personally maintained files on them.

19 Q. Were you aware of the changes in FTC
20 nicotine levels during the period 1970 to '75, to
21 the extent there were any?

22 A. I don't think I followed them or compared
23 them or -- it just wasn't something that -- that
24 would be the kind of thing I think marketing
25 people or development people would look at.

51721 6083

1 Q. Okay.

2 A. They were available. I just don't recall
3 spending any time on them.

4 Q. Okay. Let me show you what was
5 marked as Exhibit 3, I believe, at Mr. Townsend's
6 deposition.

7 A. Do you want this one back?

8 Q. Sure. Thanks.

9 The first question is whether you've
10 ever seen this document before?

11 A. I certainly don't recall ever seeing it or
12 anything like it. I'm not sure what it means.

13 Q. Okay.

14 A. Is there a date on it?

15 Q. They have different headings. One is
16 FTC tar milligrams per cigarette, and if you look
17 at the two pages, the third page of the document,
18 it says FTC smoke nicotine milligrams per
19 cigarette.

20 A. Well, a lot of this is after I retired, of
21 course, and a lot of it was after I was out of
22 the loop and not in a certain area to be
23 concerned with it.

24 Q. Well, let me just say, in 1979, you
25 were in research and development, right?

51721 6084

1 A. 19 --

2 Q. We've gone over this before.

3 A. 1979, I think my three primary
4 responsibilities were the quality program and the
5 value analysis program. My main business was
6 building a new laboratory. I was about as far
7 away from stuff like this. It didn't --

8 Q. Okay. Let me just ask you, were you
9 aware whether during the period 1979 through
10 1985, that certain brands of RJR Tobacco
11 cigarettes had reduced levels of FTC tar per
12 cigarette?

13 A. I don't know. I didn't track any of that
14 stuff.

15 Q. So you weren't aware of that?

16 A. I just wasn't in that loop at all, not that
17 I can recall.

18 Q. Were you aware whether during that
19 same time period, 1979 to 1985, there was any
20 change in the tar and nicotine ratios for RJR
21 Tobacco cigarettes?

22 A. Same answer, sir. I just wasn't concerned
23 with that kind of thing.

24 Q. Well, you were concerned with that
25 type of thing in the 70's, right?

51721 6085

1 MR. BELASIC: Objection,
2 argumentative.

3 BY MR. PLASSE:

4 Q. You did look into the issue of
5 reduced tar and nicotine ratios in 1970's?

6 A. One of those documents that we looked at
7 awhile ago, yes. That was early 70's and that
8 was --

9 Q. Right.

10 A. That was still in the area that derived
11 from my year at the executive program at Chapel
12 Hill. It was an outflow from that. One of the
13 few things I thought might have some real merit.

14 Q. Move to strike as nonresponsive
15 everything after the first sentence.

16 During the period 1979 through 1985,
17 did you at any time consider tar and nicotine
18 ratios as reflected -- tar and nicotine ratios as
19 reflected in the FTC measurements?

20 A. What do you mean, did I consider them?

21 Q. Did you consider them?

22 MR. DAVIS: Objection.

23 BY MR. PLASSE:

24 Q. Were you aware of tar and nicotine
25 ratios?

51721 6086

1 A. I already told you, I was out of the loop.
2 I didn't mess with that stuff. I didn't see it.
3 If I had wanted to, I could have found it, but I
4 had no occasion to. My job assignment had
5 nothing to do with this kind of thing.

6 Q. Okay.

7 A. I don't believe.

8 Q. So to the extent there are any
9 changes in the tar and nicotine ratios beginning
10 with 1979 and onward until you left, you weren't
11 aware of them?

12 A. I don't think so. I don't recall being
13 aware of them.

14 Q. I can take this from you.

15 A. Sure. Gladly.

16 Q. Were you aware in the 1980's, I guess
17 1979 until you left, of ways in which nicotine
18 levels could be increased in RJR Tobacco
19 cigarettes?

20 A. Well, I guess I was always aware of ways
21 you could increase nicotine, one being increase
22 the burley tobacco.

23 Q. Any other ways?

24 A. In theory, there are lots of ways that you
25 can increase nicotine, or decrease nicotine. I

51721 6087

1 think most of what we did at Reynolds was
2 decrease nicotine.

3 Q. What other ways were you aware of
4 that you could use to increase nicotine?

5 A. To increase nicotine?

6 Q. Yes.

7 A. I guess you could buy some from Eastman
8 Kodak Company at a very high price and pour it
9 into some stuff if you really wanted to.

10 Q. Kodak was a manufacturer of nicotine?

11 A. No. They handled it. It was a laboratory
12 supply house of, you know, like ten gram or
13 hundred gram batches. It was more or less a
14 laboratory -- I don't know where you can get any
15 nicotine in any amount to add to tobacco.

16 Q. Do you recall in the mid 80's looking
17 into the possibility of having a cigarette that
18 would have a reduced tar level but the same level
19 of nicotine?

20 A. Mid 80's?

21 Q. Um-hum. Any time in 1979 until you
22 left.

23 A. No, sir, I don't.

24 Q. Let me mark as Teague Exhibit Number
25 4, a document Bates number RJR 5009 through 5010.

51721 6088

1 (Teague Exhibit Number 4 marked for
2 identification.)

3 BY MR. PLASSE:

4 Q. Have you ever seen Teague Exhibit 4
5 before?

6 A. Yes. I wrote this. I have forgotten all
7 about this.

8 Q. Did you write it on or about June
9 10th of 1985?

10 A. It is dated June 10th. No later than that,
11 sir.

12 Q. Is there any -- well, did you write
13 it on or about June 10, 1985, on or about June
14 10, 1985?

15 A. Yes, sir.

16 Q. What were the circumstances -- well,
17 did you prepare this document, Teague Exhibit 4,
18 in the ordinary course of your business at RJR?

19 A. Yes, sir. I believe I did.

20 Q. It was the ordinary course of your
21 business to prepare documents like this?

22 A. How could I answer a question like that,
23 yes or no?

24 Q. Yes.

25 A. Maybe.

51721 6089

1 Q. I mean, while you were at RJR, you at
2 times prepared documents such as Teague Exhibit
3 4; is that correct? The type of document --

4 A. Well, this is one that's a pretty good
5 evidence that I did, sure. This, you will
6 notice, is a draft.

7 Q. Who is Mr. DeMarco?

8 A. Dr. DeMarco was --

9 Q. I'm sorry, Dr. DeMarco.

10 A. -- Was the vice-president in charge of
11 R and D.

12 Q. The first sentence of the exhibit
13 states, "at a recent meeting at Blowing Rock the
14 suggestion was made that there might be a market
15 for a NOW-type product with increased nicotine,
16 i.e., very low tar and normal nicotine delivery."
17 Do you recall the meeting that's being referred
18 to?

19 A. Yes, sir.

20 Q. What was said at that -- where is --
21 is Blowing Rock a place?

22 A. Um-hum.

23 Q. Where is it?

24 A. In the mountains. Up west of here.

25 Q. In North Carolina? Forgive me for --

1 A. Yes. A couple hours away, something like
2 that.

3 Q. At that meeting, well, was that
4 meeting held in or around May or June of 1985?

5 A. Well, it says a recent meeting. I don't
6 know when it was, but is recent good enough for
7 you?

8 Q. Well, I was asking whether you knew
9 if it was May or June, but if you don't --

10 A. I don't. I just don't know.

11 Q. Okay. What do you mean by a NOW-type
12 product in this document?

13 A. Just what it says. I mean --

14 Q. What does NOW refer to?

15 A. It is a brand that Reynolds made of
16 cigarette. It was a very low tar, very low
17 nicotine brand. It doesn't refer to National
18 Organization Of Women.

19 Q. So what was said at the meeting at
20 Blowing Rock about the market for a NOW-type
21 product?

22 A. I don't know. I think that we were having
23 some brainstorming ideas, you know, what would be
24 kind of interesting, new product to explore.

25 Q. And the new product that was being

51721 6091

1 considered, how was it different from NOW
2 cigarettes?

3 A. I don't know that it was being considered
4 at all. I think I suggested that it might be
5 interesting to take a NOW cigarette, which I
6 think had very little nicotine and very low tar,
7 and add some nicotine to it.

8 Q. And how were you going to do that?
9 How were you going to add the nicotine?

10 A. I wasn't going to do it. I'm just saying
11 that kind of product might be something that as
12 far as I know nobody has ever put out on the
13 market.

14 Q. And do you know how to increase the
15 nicotine levels?

16 A. Me?

17 Q. Yes.

18 A. Not in a production mode, no.

19 Q. Well, why don't you look at the
20 bottom of the first page of the memo. It states
21 "ways to increase the nicotine would include use
22 of high nicotine tobaccos and/or addition of
23 nicotine or nicotine salt/complex to the filter,
24 blend and/or paper."

25 A. I don't think that would work because that

1 wouldn't reduce the tar, would it?

2 Q. Well, you are asking me the question.
3 My question is --

4 A. I don't either.

5 Q. Were the ways by which you thought it
6 was possible to increase nicotine levels in a
7 NOW-type product the ones that are referred to
8 here?

9 A. Apparently those were things that I threw
10 out, you know. I'm a policy man, let somebody
11 else make it, you know. I don't know.

12 Q. The reference to high nicotine
13 tobaccos, was that a reference to a burley type
14 tobacco?

15 A. Most high nicotine tobaccos are burleys,
16 yes, sir. Most of them are imported burleys,
17 actually.

18 Q. So you were aware at the time of this
19 memo that there -- well, withdraw the question.

20 What if anything happened with
21 respect to pursuing a NOW-type product after the
22 discussion at Blowing Rock and your memo that has
23 been marked as Teague Exhibit 4?

24 A. As with most of my great ideas, zilch, nil,
25 nada.

51721 6093

1 Q. I'm going to have marked as Teague
2 Exhibit 4, Bates numbers RJR 12950 through 12952.
3 This is Teague Exhibit 5.

4 (Teague Exhibit Number 5 marked for
5 identification.)

6 THE WITNESS: Do you want this one
7 back?

8 BY MR. PLASSE:

9 Q. Sure.

10 Document Teague Exhibit 5 is a
11 heading RJR interoffice memo, cigarette brands
12 R and D division, with a date of October 9, 1995,
13 and it is from Melanie Murriell, M-u-r-r-i-e-l-l.
14 Subject is NOW-type cigarettes with increased
15 nicotine. It has a number of cc's, and you are
16 listed as one of them.

17 A. Okay.

18 Q. Do you remember, having looked at
19 this document, Teague Exhibit 5, do you recall if
20 there was any follow-up with the NOW-type
21 cigarette referred to in your memo,
22 Teague Exhibit 4?

23 A. I guess -- no, nothing ever came of it, but
24 I guess there was some work done. I don't know
25 who --

51721 6094

1 Q. Well, who is --

2 A. Melanie Murriell or who R.J. Willard are.

3 Q. Who is Mr. R.L. Willard?

4 A. Beats me. Oh, yeah, Ron Willard, I think
5 he works in -- he was, I think he was an
6 engineer. I don't know.

7 Q. How about Mr. S.E. Carter, who was
8 he?

9 A. I don't know.

10 Q. Mr. E.T. Smith?

11 A. There was a guy named Tommy Smith that was
12 a lab tech, but I can't imagine that he would be
13 this one.

14 Q. Do you recall receiving this
15 document, Teague Exhibit 5, in or around October
16 of 1985?

17 A. I sure don't.

18 Q. Do you know whether RJR Tobacco ever
19 developed a cigarette which had a name Premiere?

20 A. Yes, sir. There was such a product that
21 was test marketed, I believe.

22 Q. When was that first considered at RJR
23 Tobacco, the concept of that type of cigarette;
24 if you know?

25 A. Well, some of that goes all the way back

51721 6095

1 again to some of those weird marketing memos that
2 I wrote in '68, '69, '71, '72 somewhere. I think
3 I suggested that as an alternative.

4 Q. Okay. When was Premiere first test
5 marketed?

6 A. I haven't a clue.

7 Q. Were you at RJR Tobacco when it was
8 first test marketed?

9 A. I think I had already retired, if I'm not
10 mistaken.

11 Q. When you were in research, do you
12 know whether there were tests or studies done to
13 determine how nicotine affects the human body?

14 MR. DAVIS: Objection. Go ahead.

15 THE WITNESS: I don't think so.

16 What -- I don't know. I was not in that loop.

17 BY MR. PLASSE:

18 Q. Okay. Was there anyone, to your
19 knowledge, anyone at RJR Tobacco while you were
20 employed by them who looked into the issue of how
21 nicotine, when smoked in cigarettes, affects the
22 human body?

23 A. I thought that's what you just asked me.

24 Q. It is a slightly different question.

25 A. Well --

1 Q. If you have the same answer, then
2 it's the same answer.

3 A. I don't recall being aware of such a thing.
4 I know we had people that studied stuff,
5 biological things, but I was not involved in
6 that. I just don't know of anybody. I didn't
7 want to be.

8 Q. Why didn't you want to be?

9 A. I'm a scientist, a physical scientist. I
10 have no desire to get into biological science.

11 Q. Have you ever smoked cigarettes?

12 A. Sure.

13 Q. Over what period of time did you
14 smoke cigarettes?

15 A. You mean from the first one I smoked to the
16 last one I smoked or what?

17 Q. Okay.

18 A. I don't know when the first one was. It
19 was probably -- you mean a tobacco cigarette?
20 I've smoked rabbit tobacco, corn cobs, corn silk.

21 Q. Tobacco.

22 A. As a kid I probably experimented with -- my
23 father smoked, most people did, but I don't have
24 any specific.

25 Q. When is the last time you had a

51721 6097

1 cigarette?

2 A. Pardon?

3 Q. When is the last time you had a
4 cigarette?

5 A. Gosh, I smoked, it was either '87 or '88.
6 I couldn't tell you exactly which, when or what
7 occasion.

8 Q. Were there periods of time between
9 your first cigarette when you stopped in 1987 or
10 1988 when you stopped smoking?

11 A. Sure.

12 Q. How many times did you stop smoking?

13 A. I don't know. I stopped -- we ran a plant
14 down in Edenton, North Carolina that had nothing
15 to do with nicotine or anything, where we used a
16 highly flammable solvent. You couldn't go in the
17 complex with cigarettes or matches, certainly
18 couldn't smoke in there. I stopped, I guess, for
19 a year or two, something like that while I was in
20 and out of there over several years.

21 Q. When was that that you stopped?

22 A. Probably the early 60's, the best that I
23 remember.

24 Q. So you may have stopped for a year or
25 two?

1 A. Yes.

2 Q. When else did you stop?

3 A. I think I had -- I remember I had some back
4 disk surgery and my surgeon told me not to smoke
5 any for, I don't know, a month or two after I had
6 surgery.

7 Q. When was that?

8 A. '83, probably, '82, three, somewhere around
9 there.

10 Q. Any other time that you stopped
11 smoking?

12 A. I probably stopped smoking, oh, you know,
13 if I had a cold, flu or something like that. I
14 never just, that I remember, just stopped for a
15 long period, except the ones I've kind of
16 mentioned to you. I always liked to smoke.

17 Q. Why did you start smoking again after
18 your disk surgery?

19 A. Why did?

20 Q. Why did you start smoking again after
21 your disk surgery?

22 A. Because I like smoking.

23 Q. And you understand that you like
24 smoking because of the nicotine in the cigarette?

25 MR. BELASIC: Object to the form.

51721 6099

1 BY MR. PLASSE:

2 Q. Do you understand that you like
3 smoking because of the nicotine in the cigarette?

4 MR. DAVIS: Objection.

5 THE WITNESS: I like smoke. I don't
6 know whether it is -- I can't quantify. I know
7 what I like and what I don't like. If you gave
8 me a blindfold test with various levels of
9 nicotine, I might prefer some over others, I
10 don't know. It is a complex group of sensations
11 I just enjoy smoking. I like the flavor of them,
12 I like the smell of them, I like the feel of
13 them.

14 BY MR. PLASSE:

15 Q. You also know based upon the jobs
16 that you had at RJR Tobacco, about the role of
17 nicotine and smoke, so do you think that one of
18 the reasons you like smoking is because of the
19 nicotine in the cigarettes?

20 MR. DAVIS: Objection.

21 MR. BELASIC: Objection,
22 argumentative, asked and answered.

23 THE WITNESS: Am I supposed to answer
24 that?

25 BY MR. PLASSE:

51721 6100

1 Q. Yes. Unless your attorney tells you
2 not to.

3 A. He won't do that. No. I don't really like
4 nicotine. I have to take nicotine now as a drug.
5 I have a digestive problem, and I don't
6 particularly enjoy it. I put off taking them. I
7 don't take them some days and what all and so --
8 it is hard for me to see why nicotine per se
9 would have been what I was smoking for.

10 Q. You don't think it had anything to do
11 with why it you liked smoking, the nicotine in
12 the cigarette?

13 A. Oh, I think it had a lot to do with it, as
14 far as flavor and mouth feel and aroma and what
15 all, but I don't think it was -- I don't know
16 what it was a major factor, a minor factor --
17 taste, I mean -- well, think of something you
18 like to eat and think of one component in it that
19 you may not even know is there and then say does
20 that have a major effect. I don't know.

21 Q. Well, you knew it was there?

22 A. Sure I did, yes.

23 Q. And you knew what its impact was upon
24 the human body, didn't you?

25 MR. BELASIC: Object to the form, no

51721 6101

1 foundation.

2 THE WITNESS: No.

3 BY MR. PLASSE:

4 Q. When you were smoking did you know
5 that it had an impact on the central nervous
6 system, the nicotine that you got from smoking
7 cigarettes?

8 A. From what I had read, I think some people
9 said it did. I had no reason to argue with them
10 or validate what they said. Like I say, I'm not
11 very swift on biological things.

12 MR. PLASSE: Can I have his answer
13 read back, please.

14 (Preceding answer was read back)

15 BY MR. PLASSE:

16 Q. Did you understand nicotines --
17 again, nicotine derived from smoking effect on
18 the brain?

19 MR. DAVIS: Objection.

20 MR. BELASIC: Object to the form, no
21 foundation.

22 THE WITNESS: No. I didn't, I don't

23 BY MR. PLASSE:

24 Q. Did you ever talk or read anything
25 about how nicotine effects certain receptors

51721 6102

1 inside the brain?

2 A. No.

3 Q. Do you know whether nicotine
4 decreases -- this is nicotine obtained through
5 smoking, whether that can decrease a person's
6 body temperature?

7 A. No, sir. I don't know.

8 Q. Do you know whether nicotine obtained
9 through smoking has any impact upon a person's
10 heart rate?

11 A. Sir, I told you all biological effects, I
12 just said I don't really know much about that. I
13 don't know. I mean, I'm trying to help you, but
14 if I don't know, I don't know. You are repeating
15 the same thing in forty different ways, but.

16 MR. DAVIS: Just keep telling him you
17 don't know then, Dr. Teague.

18 BY MR. PLASSE:

19 Q. Do you know whether nicotine obtained
20 through smoking effects a person's blood
21 pressure?

22 A. I don't know.

23 Q. When you were at RJR Tobacco Company,
24 were you aware of any testing done to determine
25 levels of nicotine obtained by smoking?

51721 6103

1 A. I don't recall any, no.

2 Q. You are familiar with the FTC smoking
3 test which measure levels of nicotine; is that
4 correct?

5 A. There is such a test.

6 Q. You are familiar with it generally?

7 A. In general.

8 Q. Do you know of any other ways to
9 measure nicotine, nicotine levels in people or in
10 cigarettes, either in tobacco or in people?

11 MR. BELASIC: I'm going to object to
12 the form, it's misleading.

13 THE WITNESS: I don't know.

14 BY MR. PLASSE:

15 Q. Now with respect to the FTC smoking
16 levels we talked about how, for example, the
17 nicotine levels are listed on the pack of
18 cigarettes. Do you remember that generally?

19 A. Yes, sir.

20 Q. Do you have an understanding as to
21 how RJR Tobacco would determine whether a
22 particular type of cigarette in fact had the
23 amount of nicotine listed on a particular -- let
24 me withdraw the question. I'm sorry. I lost
25 myself.

51721 6104

1 Let's take a brand, Winston 100's,
2 all right?

3 A. Excuse me.

4 Q. Take a particular brand, Winston
5 100's, okay?

6 A. Okay.

7 Q. If I buy Winston 100's in the store,
8 it is going to have on the label the amount of
9 nicotine based on the FTC smoking test, right?

10 MR. BELASIC: Object to the form.

11 THE WITNESS: Required by the FTC?

12 MR. PLASSE: Right.

13 MR. BELASIC: Objection, no
14 foundation.

15 BY MR. PLASSE:

16 Q. Do know what steps if any RJR Tobacco
17 would take to determine whether a particular
18 bunch of Winston 100 cigarettes in fact had that
19 level of FTC level?

20 MR. BELASIC: Objection to the form,
21 no foundation for any FTC rating on a pack.

22 THE WITNESS: Am I supposed to answer
23 that?

24 BY MR. PLASSE:

25 Q. Yup.

51721 6105

1 A. We had in the lab, our own thing that
2 supposedly duplicated the FTC stuff. I mean, we
3 knew we could run the same, essentially the same
4 test. They were interlaboratory, all the tobacco
5 companies did, and they pooled the results and
6 all, but yeah.

7 Q. Okay. So was that in research you
8 had those labs?

9 A. Both, I think.

10 Q. I'm sorry.

11 A. Both.

12 Q. Both what?

13 A. Research and development.

14 Q. Okay.

15 A. At one time.

16 Q. Okay. So would there be periodic
17 tests on certain cigarettes to determine whether
18 in fact they had the levels that were listed on
19 the cigarette boxes?

20 MR. BELASIC: Objection, no
21 foundation.

22 THE WITNESS: I would assume they
23 did. I was not intimately involved in such a
24 thing.

25

51721 6106

1 BY MR. PLASSE:

2 Q. Who was involved in that at research,
3 while you were at research?

4 A. Well, that wasn't research, that was
5 analysis, just running a routine analysis over
6 and over and over again.

7 Q. I'm sorry, is analysis a department
8 or a division?

9 A. In the research department it was, yes,
10 from time to time.

11 Q. But you had nothing to with that FTC,
12 with testing cigarettes to see if they met the
13 FTC standards?

14 A. Well, when I was assistant director of
15 research, I believe I was normally in charge of
16 the analytical research or analytical division, a
17 part of which ran FTC tar and nicotine, but I
18 didn't get involved in it unless they had a
19 flood, you know, or something highly unusual
20 happened. They just routinely, I think.

21 Q. Do you have an understanding of what
22 that routine consisted of?

23 A. In general.

24 Q. What was that?

25 A. They smoke cigarettes by a specified method

51721 6107

1 and collected the tar and nicotine and analyzed
2 it by specified methods.

3 Q. And those efforts were to determine
4 whether those levels was the same levels as
5 reflected on the --

6 A. I don't know. They ran it for many
7 reasons, I guess.

8 Q. What were the many reasons? What
9 were the reasons?

10 MR. BELASIC: Objection, no
11 foundation.

12 MR. DAVIS: Objection.

13 THE WITNESS: I don't know what they
14 were. I just think there could be a lot of
15 reasons.

16 BY MR. PLASSE:

17 Q. Well, do you know what any of reasons
18 the were?

19 A. No. I don't know offhand. I could guess,
20 but I prefer not to speculate.

21 Q. Well, was one of the reasons to make
22 sure that a particular batch of cigarettes in
23 fact had the level of either tar and nicotine
24 that was listed on the package?

25 MR. BELASIC: Objection. He told you

51721 6108

1 didn't know but he could guess. I guess now you
2 are deliberating asking him to guess and that's a
3 completely improper question.

4 MR. PLASSE: I'm trying to refresh
5 his recollection.

6 THE WITNESS: I don't have any
7 specific recollections of any of that. We could
8 sit here and speculate endlessly, but you could
9 do that with a man on the street, why do it here
10 It could be a lot of reasons.

11 BY MR. PLASSE:

12 Q. I'm not asking you to speculate. My
13 questions are to determine whether you know and
14 if not I'm trying to refresh your recollection to
15 see if you can recall.

16 MR. BELASIC: I'm going to object to
17 the form. You haven't even established that he
18 ever knew. I mean, he's told you this wasn't his
19 field and he wasn't involved in the testing. If
20 you want him to speculate, I guess that's why you
21 are going to ask these questions.

22 MR. PLASSE: I don't believe he told
23 me this wasn't his field. I believe his
24 testimony stands as to what his involvement was
25 with respect to the testing.

51721 6109

1 BY MR. PLASSE:

2 Q. The testing that you were referring
3 to, that was FTC type smoke testing; is that
4 correct?

5 A. You referred to it, I don't think I did,
6 did I?

7 Q. Well, what would you refer to it as,
8 what would you call it?

9 A. What?

10 Q. The testing that was done in analysis
11 with respect to tar and nicotine levels?

12 A. Well, I think I told you that we had the
13 FTC methodology. We had presumably the same or
14 equivalent equipment. We had people who could
15 run it and I think they sent their results
16 periodically to the FTC laboratory and they sent
17 theirs to us to be sure everybody was on the same
18 page and, you know.

19 Q. So you were using the same equipment
20 as the FTC used as far as you knew?

21 A. I said or equivalent.

22 Q. Okay. Would you get reports when you
23 were assistant director of research, indicating
24 what results were obtained from this testing?

25 A. I don't recall getting them. I certainly

1 would have had access to them had I desired to,
2 but I don't recall any occasion when I did.

3 Q. Do you recall any situations when you
4 were assistant director of research, where
5 certain cigarettes that were tested yielded
6 results for tar and nicotine which were different
7 than the FTC tar and nicotine levels as reflected
8 on the packages of cigarettes?

9 A. If I wasn't following the results, I
10 couldn't know. I don't remember any crises of
11 that nature. I think -- I don't know whether
12 they occurred or not.

13 Q. Okay. The testing that you were
14 referring to at RJR using the same equipment or
15 equivalent equipment, that was performed after
16 the manufacturing of the cigarettes had been
17 completed; is that correct?

18 A. Well, you couldn't do it before they were
19 completed, made, could you? I mean --

20 Q. Was there any chemical testing of
21 tobacco done prior to that type of test?

22 A. Sure. Okay.

23 Q. Can you tell me what type of chemical
24 testing was done?

25 A. Well, when you buy leaf tobacco from the

51721 6111

1 farmer, you usually test it for composition. I
2 forgot the list of things they would run on it.
3 And then during aging they might or might not
4 test it. When it came out of aging they might
5 not have tested. When it was put into the blend,
6 there could be some tests there. When the
7 product was made, it was all kinds of tests run
8 it for all kinds of reasons at all kinds of
9 timing, but from the time say some burley tobacco
10 was bought and came in the door, it might be
11 three years before it was actually used in a
12 product, so I don't know what all was been run on
13 it.

14 Q. Can I have the first half of his
15 response read back, please.

16 (The preceding answer was read back)

17 MR. PLASSE: Okay.

18 BY MR. PLASSE:

19 Q. I wanted to ask you a couple of
20 questions about your last answer.

21 A. Could you speak up a lit bit, I'm a little
22 hard of hearing.

23 Q. Well, so am I, so.

24 You said there may have been testing
25 when the leaf tobacco was purchased initially; is

1 that correct?

2 A. Sure. There might have been.

3 Q. And there may have been testing done
4 during the aging process; is that correct?

5 A. May have. I'm not sure. That's very
6 probable, but it was done, I know in several
7 instances.

8 Q. You said there may have been testing
9 during the blending; is that correct?

10 A. Well, not during the blending, but you
11 might test a batch that was coming in to be
12 blended.

13 Q. Okay.

14 A. Or something like that. I don't know.

15 Q. Okay. Did research have any role,
16 the research department, have any role in
17 connection with these types of testing?

18 A. Well, we ran the tests.

19 Q. Which department in research did, the
20 analysis department?

21 A. I believe so.

22 Q. So was there a time when you were a
23 supervisor of that analysis department?

24 A. I believe I already said so, yes.

25 Q. The answer is yes, right?

51721 6113

1 A. Sure. Again, yes.

2 Q. When the leaf was initially
3 purchased, you said they test for composition.
4 To your knowledge, does that include tests
5 related to determine nicotine levels?

6 A. I said they may test it to see what is in
7 the crop that you bought. I would think that
8 nicotine would be one of the things that would be
9 tested, but I don't have any recollection of
10 seeing a laundry list of these things will be
11 tested, you know, and each -- how often, how big
12 a sample, what market, whatever.

13 If you are in a natural product and they
14 vary widely from year to year and county and
15 county, and variety this stalk position if you
16 are trying to blend to any uniformity down the
17 road, you kind of need to know what you got.

18 Q. Right. So prior to the or at the
19 time the blending process would there be testing
20 to determine nicotine levels as well?

21 A. There could, I think, yes.

22 Q. And what was the point, if any, of
23 doing that testing of nicotine levels at the
24 beginning of the blending process?

25 A. Well, all of the things that are tested,

51721 6114

1 what they were doing was trying to keep some
2 product uniformity.

3 If you are making spaghetti sauce you don't
4 have a guy dumping salt in one day and none the
5 next and things like that. You -- a cigarette
6 blend is, in effect, a recipe, and you try to
7 keep it as constant as you can.

8 Q. Okay. And what are you trying to
9 keep it constant to?

10 A. To your customer.

11 Q. To the customer or to the FTC smoking
12 levels?

13 A. Both, I guess. You are required to do the
14 FTC stuff, so you got to do that, but you really,
15 if you have developed a brand and especially if
16 you have a franchise with that brand and have a
17 history of it, the people like this, then
18 obviously you are going to bake your bread with
19 the same amount of salt in it everyday or
20 whatever. It is called a control, basically is
21 what you are talking about.

22 Q. When you say bread with the same
23 amount of salt, what you are really talking,
24 among other things, is tobacco with the same of
25 nicotine; isn't that true?

51721 6115

1 MR. BELASIC: Object to the form.

2 THE WITNESS: I didn't say that, sir,
3 you said that.

4 BY MR. PLASSE:

5 Q. I'm asking if that's true?

6 A. I don't agree with you.

7 Q. Don't you want to make sure that
8 cigarettes that you sell, that you have the same
9 amount of tobacco, don't you want to make sure
10 you have the same amount of nicotine in the
11 tobacco?

12 A. Same amount of what?

13 Q. Same amount as --

14 A. Batch to batch you mean?

15 Q. Right. Cigarette to cigarette.

16 A. Unless you are trying to change it, yes. I
17 mean, you are required to put on the packet and
18 in your advertising a certain amount of nicotine
19 and you obviously are trying to do what you can
20 to keep that within certain limits. You can't
21 keep it zeroed in totally.

22 Q. You want your cigarettes to have the
23 amount of nicotine that's represented on the
24 packet, the FTC smoking levels, right, nicotine
25 levels, I mean?

51721 6116

1 A. No. Well, I think you got the cart before
2 the horse. That's all right. The nictotene
3 level on the package doesn't drive the blend.
4 The blend drives what nicotine is. I would think
5 if you are going to change it, it would change.

6 Q. If you change the blend you can
7 change the amount of nictotene, right?

8 A. You might or might not.

9 Q. While you were at RJR Tobacco were
10 you familiar with situations where the blend was
11 changed which resulted in a different level of
12 nicotine?

13 A. No. Not specifically, no.

14 Q. Well, was it in fact true that while
15 you were at R.J. Tobacco, the blend was changed
16 so that there was different levels of nicotine in
17 a product?

18 MR. DAVIS: Objection.

19 THE WITNESS: Well, I was at Reynolds
20 Tobacco Company for about 37 years, and blends
21 came and went and brands came and went and there
22 were changes. I assume that there were changes
23 made for whatever reasons, but was I personally
24 aware of it, no way.

25 BY MR. PLASSE:

51721 6117

1 Q. Who is responsible for making the
2 decisions to change the blends in tobacco, while
3 you were at RJR Tobacco?

4 MR. DAVIS: Objection. Go ahead.

5 THE WITNESS: No idea. Not I,
6 certainly.

7 BY MR. PLASSE:

8 Q. I understand your testimony that you
9 weren't.

10 Is there any chemical testing done on
11 the finished product, finished cigarettes?

12 MR. DAVIS: Objection. Go ahead.

13 THE WITNESS: Could you define
14 chemical testing?

15 BY MR. PLASSE:

16 Q. Testing -- well, we talked about this
17 before. You answered the question when I asked
18 you about chemical testing, you said there were a
19 number of instances where chemical testing was
20 done.

21 A. Well, then, your question has been
22 answered.

23 Q. You said among other times, when you
24 buy the leaf tobacco, during the aging process,
25 when you are putting it into the blend. Now I'm

51721 6118

1 asking you whether there was any chemical testing
2 done on the finished cigarette, manufactured
3 cigarette?

4 A. Well, wouldn't that be what the FTC test
5 is, it is done on the final product.

6 Q. Okay. So there is an FTC test done
7 on the final product. I understand that.

8 A. I would assume that. Not everyone, but by
9 some statistical number.

10 Q. Was there any other type of chemical
11 testing done on the finished product, other than
12 the FTC test?

13 A. Probably was from time to time. I don't
14 know offhand.

15 Q. Well, who would have done that, the
16 analysis division of the research department?

17 A. That would seem to be a reasonable
18 assumption.

19 Q. And do you presently recall the
20 nature of any such chemical testing?

21 A. Well, do you mean something done routinely
22 or something done occasionally? I'm not sure I'm
23 with your question.

24 Q. Either way, routinely, occasionally.

25 A. You know, I feel like there probably was,

51721 6119

1 but I really couldn't sit here and tell you what
2 they were or how they were run or how often, but
3 it would seem reasonable that you would look at
4 other things, things other than nicotine and tar.

5 I think you would look at sugar, certainly,
6 things like that.

7 MR. DAVIS: Jon, as I told you, we
8 won't go past five, so when you reach a good
9 breaking point between now and five, let me know.

10 MR. PLASSE: It is five of five and
11 this is a good time to take a break.

12 THE WITNESS: It is for me. I'm
13 fading fast.

14 MR. PLASSE: Okay. I would like to
15 make a request. I don't believe I have a full
16 whatever it is, four hours tomorrow, and I would
17 like to catch a particular plane. Is it possible
18 to move up the time from 1:30 to some time -- I'm
19 sorry, let's go off the record.

20 THE VIDEOGRAPHER: We're off the
21 record at 4:54.

22 (Deposition adjourned at 4:54 p.m.)
23
24
25

51721 6120

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51721 6121


1 State of North Carolina
2 County of Forsyth

3
4 REPORTER'S CERTIFICATE

5
6 I, Jane F. Allen, a Notary Public in
7 and for the State of North Carolina, do hereby
8 certify that there came before me on Tuesday,
9 November 1, 1997, the person hereinbefore named,
10 who was by me duly sworn to testify to the truth and
11 nothing but the truth of his knowledge concerning
12 the matters in controversy in this cause; that the
13 witness was thereupon examined under oath, the
14 examination reduced to typewriting under my
15 direction, and the deposition is a true record of
16 the testimony given by the witness.

17 I further certify that I am neither
18 attorney or counsel for, nor related to or employed
19 by, any attorney or counsel employed by the parties
20 hereto or financially interested in the action.

21 IN WITNESS WHEREOF, I have hereto set my
22 hand and affixed my official notarial seal, this
23 the 13th day of November 1997.

24
25 
Jane F. Allen, Notary Public
My Commission Expires 10/26/02

51721 6122

<http://legacy.library.ucsf.edu/tid/asq07a90/pdf>

- A P P E A R A N C E S -

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ALSO PRESENT: Larry Payne, Videographer

51721 6124

- - - I N D E X - - -

WITNESS: DIRECT CROSS REDIRECT

CLAUDE TEAGUE

By Mr. Plasse 138

By Mr. Belasic

- - - E X H I B I T S - - -

NUMBER	DESCRIPTION	IDENTIFICATION
6	Memorandum of 12/10/69	168
7	Letter of 2/13/87	178
8	Performance Evaluation	182
9	Performance Evaluation	186
10	Document of Claude Teague dated February 1970	193

51721 6125

1 THE VIDEOGRAPHER: This is day two of
2 the deposition of Dr. Claude Teague. It is
3 November the 12th, Wednesday. We are on the
4 record at 1:11 p.m.

5 (CONTINUED DIRECT EXAMINATION)

6 BY MR. PLASSE:

7 Q. Okay, Dr. Teague, you understand you
8 are still under oath, correct?

9 A. Yes, sir.

10 Q. Have you ever heard anyone say or
11 read in any document, that nicotine obtained in
12 cigarettes is addictive?

13 A. Heard a lot of people say it.

14 Q. Okay. Anyone at RJR say that?

15 A. Never heard anybody there say it, that I
16 recall.

17 Q. Where, if you recall, did you hear
18 people say it?

19 MR. DAVIS: Objection.

20 THE WITNESS: Does that mean I
21 answer?

22 MR. DAVIS: Go ahead and answer.

23 THE WITNESS: Talking heads on TV.
24 People all around. Mr. Waxman. You know, all
25 kinds of people alleged say it.

51721 6126

1 BY MR. PLASSE:

2 Q. I'm sorry. Mr. Waxman is a congress
3 person?

4 A. I believe so.

5 Q. Did you ever hear anyone say that,
6 that nicotine obtained from cigarettes is
7 addictive while you were employed at RJR Tobacco
8 Company or RJR industries?

9 A. I already said no. Your first question, I
10 said no.

11 Q. This is a different question and
12 maybe it's not properly phrased.

13 A. Okay.

14 Q. Did you ever hear someone say
15 nicotine obtained from smoking is addictive
16 during the period that you were employed at RJR
17 Tobacco or RJR Industries?

18 A. Let me clarify. Are you saying did I ever
19 hear anybody at Reynolds say that or anybody,
20 anybody?

21 Q. My initial question was, did you ever
22 hear anyone at Reynolds say it?

23 A. I'm sorry. Okay.

24 Q. My question now is, did you ever hear
25 anyone outside of Reynolds make that type of

51721 6127

1 statement during the time period you were
2 employed at RJR Reynolds Tobacco or RJR
3 Industries?

4 A. I don't know. I left there in what, '87,
5 and I don't think -- I don't remember if anybody
6 did.

7 Q. Okay. Did you ever do anything or
8 direct someone to do something or perform some
9 work at RJR Tobacco or RJR Industries, to
10 determine whether nicotine obtained from smoking
11 was addictive?

12 MR. BELASIC: Object to the form, it
13 is vague and undefined.

14 THE WITNESS: I certainly don't
15 recall it. No. It would have been out of my
16 field of interest, expertise, whatever.

17 BY MR. PLASSE:

18 Q. Are you aware whether the surgeon
19 general ever said nicotine obtained from smoking
20 is addictive?

21 A. I'm aware that the surgeon general, the
22 first report that came out said very definitive
23 that it was not addictive, it was habituating,
24 and that's what I've always believed. I don't
25 think I've seen a surgeon report, I didn't even

51721 6128

1 read that one, but I remember that part of it,
2 but if the surgeon general has said it now, I
3 don't know. I couldn't tell you.

4 Q. The surgeon general report that you
5 referred to, did that come out prior to the time
6 you left RJR?

7 A. 1964. It was long before I left RJR.

8 Q. Were you aware that in 1988, the
9 surgeon general stated that he believed that
10 nicotine obtained from smoking was addictive?

11 MR. DAVIS: Objection.

12 THE WITNESS: I think I've heard that
13 somewhere. I think you can keep changing the
14 definition and now everything you hear is
15 addicting, you know, jogging, coffee, candy,
16 hamburgers, you name it. I mean, you hear it in
17 the popular press. But, I have not seen the
18 surgeon general's report. I haven't seen it,
19 just I think I've heard people say that he said
20 that.

21 BY MR. PLASSE:

22 Q. All right. I move to strike
23 everything the witness just stated other than the
24 first sentence and the last sentence of his
25 response.

51721 6129

1 Do you have an understanding of the
2 term addiction as it's been used in the context
3 of nicotine and smoking?

4 MR. BELASIC: Object to the form.
5 It's undefined.

6 MR. PLASSE: I asked him if he has an
7 understanding.

8 MR. BELASIC: As it's been used, and
9 you didn't define how it's been used. I mean, be
10 fair to the witness.

11 BY MR. PLASSE:

12 Q. Do you have an understanding of the
13 term addiction as used in the context of nicotine
14 and smoking?

15 MR. DAVIS: Objection.

16 MR. BELASIC: Same objection.

17 THE WITNESS: It is a very moving
18 target between all the definitions of addiction
19 by some people has changed over the years. My, I
20 used, I think always considered it by the
21 original definition as of '64 is the last time I
22 looked it up.

23 Q. And if you recall, what was that
24 definition?

25 MR. DAVIS: Objection. Go ahead and

51721 6130

1 give him whatever you can.

2 THE WITNESS: In general, something
3 that is addictive, is something that you get some
4 gain from, pleasure, happiness, euphoria,
5 whatever. It is something that requires an
6 increasing amount to get the same desired effect.

7 I think critically in my thinking it
8 is something that you don't just say, well, I
9 think I'll quit using it today and walk off and
10 have, you know, maybe miss it a little bit, but
11 usually when you come out of what I considered
12 addiction, you would go through pretty strong and
13 pretty obvious physical problems such as
14 convulsions, sweating, agitation, comas, you
15 know, major, major suffering, delusions,
16 hallucinations, whereas I think that -- I'm sure
17 that's just kind of a layman's guess at it, but
18 that is the definition that -- the traditional
19 definition that I grew up with and used.

20 Q. Do you have an understanding of the
21 term habituating?

22 A. Yes. Something that is habituating is
23 something, again, that you like to do. It gives
24 you some payback. It doesn't normally require an
25 increased application or increased usage or

51721 6131

1 something, and it is something that you maybe
2 love to give up like I would like to give up
3 coffee but I'm not going to have to go into the
4 funny farm and get shots and stuff to do it with.

5 I think, if I may, the surgeon general's
6 report likened caffeine and nicotine, both of
7 which were said to be habituating, and I think
8 anywhere that you see nicotine and stuff I have a
9 recollection if you substitute caffeine, that was
10 the basis that I was using at the time.

11 Q. When you said surgeon general report,
12 you are referring to the 1964 surgeon general's
13 report in your prior answer?

14 A. Yes, sir.

15 Q. Not the 1988 one?

16 A. I've never seen the 1988 one. Didn't even
17 know there was. I knew there was a later one. I
18 don't know if they come out every year or two.

19 Q. To your understanding of habituating,
20 does that involve compulsive use of the chemical
21 or product in question?

22 A. What would -- how would you define
23 compulsive use?

24 Q. You don't have an understanding of
25 the term compulsive use?

S1721 6132

1 A. No. That's your term. I haven't seen it
2 used.

3 MR. DAVIS: Just say no.

4 THE WITNESS: Okay. No.

5 BY MR. PLASSE:

6 Q. To your understanding of habituating,
7 does that involve a use of a drug or a product
8 despite the fact that that drug or product has
9 harmful effects?

10 A. I'm sorry, I couldn't answer that. I don't
11 know.

12 Q. Do you think people who stop drinking
13 coffee which contains caffeine experience the
14 same type of reaction as people who try to stop
15 smoking cigarettes with nicotine?

16 A. That is pure opinion. I'm certainly not an
17 expert. I'd rather not answer that.

18 Q. Well, you may not want to answer it,
19 but I think you have to answer it.

20 MR. BELASIC: I don't think that a
21 non expert has to give an opinion on a subject
22 that he's not an expert in. We have experts on
23 the issue of addiction. You can depose them and
24 ask them all the questions you want, but a fact
25 witness who is definitely not an expert and just

51721 6133

1 told you he isn't, doesn't have to answer that.

2 MR. PLASSE: He may tell me that he
3 isn't, that doesn't mean I will -- he has written
4 on the subject of coffee and caffeine and
5 nicotine and smoking extensively.

6 THE WITNESS: Are you qualifying me
7 as an expert?

8 BY MR. PLASSE:

9 Q. No. I'm asking you a question based
10 on your experience. You are a person who has
11 written on the subject of nicotine, and written
12 on the subject of caffeine. I'm asking you
13 whether a person who stops smoking cigarettes
14 experiences the same type of responses as a
15 person who stops drinking coffee with caffeine?

16 MR. BELASIC: Same objection.

17 MR. DAVIS: You are talking about in
18 general the same type or the specific same type?

19 BY MR. PLASSE:

20 Q. General.

21 A. Excuse me. You say I have written on
22 caffeine? I don't recall any writings on
23 caffeine.

24 Q. Okay. I still would like an answer
25 to my question.

51721 6134

1 A. Sir.

2 Q. I still would like an answer to my
3 question.

4 A. I've lost the question by now. I believe
5 my answer would be, I don't know.

6 MR. DAVIS: There is the answer. Go
7 ahead with your next question.

8 BY MR. PLASSE:

9 Q. To your knowledge while you were at
10 RJR Tobacco or RJR Industries, did anyone perform
11 any research to determine whether nicotine
12 obtained from smoking is addictive?

13 MR. BELASIC: Same objection.
14 Addiction is vague and undefined.

15 BY MR. PLASSE:

16 Q. Your understanding of addiction that
17 you previously expressed.

18 A. Not that I recall, no, sir.

19 Q. To your knowledge, while you were at
20 RJR Tobacco or RJR Industries, did anyone perform
21 any research to determine whether nicotine
22 obtained from smoking is habituating?

23 A. Again, not to my knowledge.

24 Q. Do you think nicotine is a drug?

25 A. I use it as a drug. I have some digestive

51721 6135

1 problems and I buy it, interesting enough, over
2 the counter at the drug store, this terrible da,
3 da, da compound that everybody does -- you can go
4 buy it over the counter at any drug store. I use
5 it for digestive problems, as I believe I
6 mentioned yesterday.

7 Q. Yes. You mentioned that yesterday.

8 Do you think that nicotine obtained
9 from smoking is a drug?

10 A. It depends on how you get it from smoking.
11 If you collect it in from smoke and isolate it
12 and purify it and put it some kind of dosage
13 form, I guess it could be used as a drug.

14 I don't know where they get the nicotine in
15 the stuff I use, but I said in one of my early --
16 one of my think things out of school, I think,
17 that in a sense it may be considered to be, but
18 that is a very, you know, that's a statement that
19 may or may not be true.

20 Opposite of may is may not, and the
21 opposite of in a sense, but in another sense, so,
22 you know.

23 If that's what you are referring to, and
24 then I developed that along, but I don't consider
25 nicotine as used, derived from smoking by a

51721 6136

1 smoker, to be a drug, anymore than I consider
2 caffeine as derived from my cup of coffee to be a
3 drug, although caffeine citrate, anybody that's
4 been through graduate school knows is a drug.

5 You probably want to strike most of that,
6 too.

7 Q. I asked you a couple of questions
8 yesterday about your own smoking experience, and
9 I believe you said one time you stopped smoking
10 or, I'm sorry, I believe you told me that around
11 1987 or 1988 you stopped smoking.

12 A. Um-hum.

13 Q. And you haven't smoked any cigarettes
14 since then?

15 A. No.

16 Q. Why did you stop smoking then?

17 A. Probably a large number of reasons. One is
18 my daughter has asthma and is pretty severely
19 allergic to smoke, and I think she had finished
20 college and or was working and living with us
21 most of the time and I know it was causing her
22 trouble.

23 Q. Was it causing you any trouble?

24 A. Pardon.

25 Q. Was it causing you or your health any

51721 6137

1 trouble?

2 A. No. Not that I'm aware of. I guess I just
3 thought to quit.

4 Q. Did any doctor tell you you should
5 stop smoking before you stopped smoking?

6 A. I don't think I've ever had a doctor tell
7 me to stop smoking. Just about any doctor you go
8 to through the years would tell you cut back, you
9 should cut down, as they sat and smoked.

10 Q. You should cut down?

11 A. Mostly doctors would tell you to cut down.
12 I smoked about three packs a day for most of my
13 adult years.

14 Q. So when you stopped in 1987 or 1988,
15 did some doctor tell you shortly prior to that
16 time, that you should cut down on the amount of
17 cigarettes that you smoke?

18 A. I don't think so. I don't think that had
19 anything to do with it.

20 Q. You're married?

21 A. No.

22 Q. You were married?

23 A. Yes.

24 Q. Your wife died?

25 A. Pardon.

51721 6138

1 Q. Your wife has died?

2 A. No.

3 Q. Are you divorced?

4 A. Yes.

5 Q. When did you divorce? When did you
6 divorce your wife?

7 A. Which one?

8 Q. How many times have you been married?

9 A. A couple.

10 Q. When did you divorce your first wife?

11 A. Gosh. Some time in the 60's, late 60's, I
12 guess.

13 Q. How long had you been married for?

14 A. Pardon.

15 Q. How long had you been married for
16 before you divorced your first wife?

17 A. Probably. Roughly 18, 19 years, something
18 like that.

19 Q. When did you remarry?

20 MR. DAVIS: What is the relevance of
21 this?

22 MR. PLASSE: I want to find out about
23 his smoking experiences and the smoking
24 experiences of his immediate family.

25 MR. DAVIS: Why don't you just ask

51721 6139

1 him that rather than go through how many times
2 he's been married.

3 THE WITNESS: Go ahead and ask me.

4 MR. PLASSE: I have like one or two
5 additional questions.

6 MR. DAVIS: All right. Go ahead.

7 BY MR. PLASSE:

8 Q. When did you marry your second wife?

9 A. After I divorced my first one. That was
10 in, I don't know, around '69 something.

11 Q. When did you divorce your second
12 wife?

13 A. '77, '78. Something like that.

14 Q. Did your second wife smoke?

15 A. Did she smoke? Occasionally. No, she
16 certainly wasn't what I would call a smoker.

17 Q. Less than a pack a day?

18 A. Oh, yes. Probably less than a pack a week.

19 Q. Did your first wife smoke?

20 A. I was trying to remember. I think she did
21 and then quit, but I couldn't --

22 Q. Okay. When you stopped smoking in
23 1987 or 1988, did you just one day stop smoking
24 altogether or did you gradually cut down on the
25 amount of cigarettes?

51721 6140

1 A. No. I took a pack out, I think I was
2 smoking Salem Lights. I took a package of Salem
3 Lights that was open and exposed two or three
4 cigarettes and laid them on the kitchen table and
5 they stayed there about a year. I just quit. I
6 mean, it is not hard to quit if you want to quit.

7 Q. Move to strike the last sentence of
8 his response as nonresponsive.

9 MR. DAVIS: Sounded pretty responsive
10 to me, but go ahead.

11 THE WITNESS: It was very responsive,
12 sir.

13 BY MR. PLASSE:

14 Q. Prior to the time that you quit, were
15 you smoking three packs a day, approximately?

16 A. I would think so, yeah. That is I wasn't
17 smoking them right down to the bitter end, but I
18 smoked a lot of test cigarettes at work.

19 Q. And after you stopped smoking, did
20 you have any cravings for cigarettes?

21 A. Not really.

22 Q. Not at all?

23 A. Well, psychologically, maybe. I don't
24 think I had any physical problems. As with any
25 habit, it gets intertwined with typing, you are

51721 6141

1 hitting the golf ball or something and you reach,
2 you think, hey, I'm not used to playing tennis
3 without smoking, so you miss them, sure, but I
4 don't think -- I wouldn't call it a craving,
5 something I would kill for or something I want
6 badly. I don't think I had any of that, the best
7 I remember.

8 Q. So it is your testimony that you
9 don't believe you had any physical desire to
10 smoke after you stopped smoking?

11 A. I don't think so. I don't recall that I
12 did. I mean, if you are going to quit, you just
13 quit.

14 Q. Have you ever heard any person who
15 had any physical craving after trying to stop
16 smoking cigarettes?

17 MR. DAVIS: Objection.

18 THE WITNESS: I don't know. That's
19 so vague, I would have a hard time answering it.
20 First of all, I don't know if they are telling
21 the truth or not. Second of all, somebody made a
22 statement, I don't know whether they meant it, it
23 was in gist, you know, but I have heard in
24 general that some people miss smoking when they
25 quit, put it that way.

1 BY MR. PLASSE:

2 Q. So you think some of these people are
3 just joking when they say that?

4 A. Who knows.

5 Q. They might be?

6 A. Who knows.

7 Q. Do you think any of them meant it any
8 of the people who told you they missed smoking,
9 when they told you they missed smoking?

10 MR. BELASIC: Objection. No
11 foundation.

12 MR. DAVIS: Objection.

13 THE WITNESS: I don't remember a
14 conversation -- I don't remember talking to
15 anybody that's quit smoking. I probably have, I
16 just don't remember it.

17 BY MR. PLASSE:

18 Q. You don't presently recall anybody
19 telling you I quit smoking, I have a physical
20 need or desire to smoke again?

21 A. I have no recollection of such a
22 conversation.

23 Q. Let me show you what was marked as
24 Exhibit 1058 in the Minnesota case. You were
25 asked a number of questions about this document

51721 6143

1 during the course of your deposition in July of
2 this year. On Page 5 of the exhibit, that's your
3 signature, isn't it?

4 A. Let me kind of go through it and see --

5 Q. Sure.

6 A. -- what it is and who wrote it. I'm
7 looking for a date on it. Do you know where I
8 would find a date and a signature page? Here it
9 is. Here it is. Page 5, I signed.

10 Q. Well, that was my first question.
11 Can I ask you a question or do you still want to
12 look at the document another moment?

13 A. Well, I was looking for a date on the
14 document. Do you know where one is?

15 Q. No.

16 A. I don't either.

17 Q. Is that your signature on Page 5?

18 A. Yes, sir. That's a copy of my signature.

19 Q. To the best of your knowledge, was a
20 copy of this document sent to Dr. Senkus, who is
21 listed on Page 5 as being, I guess he is referred
22 to?

23 A. Dr. Murray Senkus is shown on the
24 distribution. I assume he got it.

25 Q. I believe you testified at your

51721 6144

1 deposition that you assembled this document; is
2 that correct?

3 A. That I what?

4 Q. Assembled. Well, did you write the
5 document, Exhibit 1058?

6 A. No. I don't think I wrote it. I think I
7 drew upon various sources and kind of I was
8 somebody was the ventriloquist and I was the
9 dummy, I guess. I presented it.

10 Q. Were you then the equivalent of a
11 scribe, that you would have wrote down different
12 ideas that you received?

13 A. I think people prepared --

14 Q. Well, let me refer specifically to
15 the text that's contained on Pages 1 through 5.
16 Who wrote that?

17 A. It sounds like it was written by a
18 committee, doesn't it? I don't know. I was
19 looking for words that might identify it as my
20 vocabulary or something. I just don't know. It
21 may be a collage. I'm sure I wrote or rephrased
22 or had a hand in it, but the data and the things
23 like this, I don't think I prepared this,
24 somebody got and handed, gave us.

25 Q. Just so it's clear, my question

51721 6145

1 related to the text on Pages 1 through 5.

2 A. Was I the author of the report, I don't
3 think so. I think it was --

4 Q. Well, it is your signature on Page 5,
5 right?

6 A. Sure.

7 Q. So you gathered the information
8 together in some fashion?

9 A. I some way got the information, gathered it
10 and presumably put it into a format. I just
11 don't remember the process, sir.

12 Q. Okay. What you did with respect to
13 this report, you did that as part of your job at
14 RJR Tobacco, right? You did this during business
15 hours, right?

16 A. Well, I guess, sure. I mean, I made a -- I
17 think it wasn't really intended as a report, it
18 was intended for a presentation that was given,
19 and I was trying to remember who it was given to.
20 I think it was given a couple of times and I was
21 the person who made the presentation.

22 Q. Okay. But the work that you did with
23 respect to the text contained on Pages 1 through
24 5 of Exhibit 1058, you did that as part of your
25 job at RJR Tobacco, right?

51721 6146

1 A. Sure. I would think so.

2 Q. And it was part of your job to do
3 that type of work, wasn't it? Part of your job
4 included gathering of information in the manner
5 that you did here, right?

6 A. I don't think you would find that in my job
7 description, but I did whatever I was asked to do
8 by whoever, my supervisors, I guess.

9 Q. I didn't ask you whether it was part
10 of your job description.

11 A. What is the difference in my job and my job
12 description?

13 Q. My question is, one of your
14 responsibilities at work was to gather and
15 prepare the type of information that's contained
16 in Exhibit 1058, right?

17 MR. DAVIS: Objection.

18 THE WITNESS: I just don't understand
19 your question. Can you give it to me in smaller
20 bites or something? Obviously I did it at work.

21 BY MR. PLASSE:

22 Q. Right.

23 A. So what else?

24 Q. Part of your job was to do this type
25 of work, right?

1 A. I guess we don't -- we're not in tune on
2 what my job was. I just said my job was to do
3 pretty much whatever I was asked to do.

4 Q. Right.

5 A. And this, I presume, was somebody asked me
6 to do it. I'm sure I didn't just say, hey, I
7 want to do it.

8 Q. So you did it?

9 A. I take it I did, yes. Are we together now?

10 Q. And it was part of your job to do
11 what people told you to do, right?

12 A. Sure.

13 Q. We're together.

14 See, I told you I was going to go
15 through these quickly.

16 A. Did you say something to me?

17 Q. I told you I was going to go through
18 these documents quickly.

19 A. Okay. That was quick.

20 Do you want this one back?

21 Q. Sure.

22 Do you remember when you were at RJR
23 Tobacco, I guess relatively early in your career,
24 whether you investigated the ammoniation of
25 tobacco and tobacco stems?

51721 6148

1 A. Did I?

2 Q. Yes.

3 A. Yes, sir.

4 Q. And what generally was the nature of
5 that work that you did?

6 A. I think I was looking at -- this was back
7 when I was in the lab, back, oh --

8 Q. In the 1950's?

9 A. Soon after I had started working with
10 Reynolds, I think. We made a number of basic
11 products, reconstituted tobacco stems, rolled
12 stems, tobacco particles and all, and some of
13 them obviously didn't have the smoking quality of
14 good leaf tobacco, and in general, they were
15 fairly irritating products. They probably
16 smelled burning more like a newspaper than a good
17 cigar or something, and I think I sat out just to
18 kind of scatter gun approach in sort of spare
19 time in the laboratory to trying to treat these
20 products with various materials, various physical
21 treatments to see if I could improve
22 their smoking quality, and best I remember, we
23 took a chromatographic tube, which do you know
24 what that is?

25 Q. No.

51721 6149

1 A. Well, it is a glass tube with a frit at the
2 bottom and you can -- we put shredded, I think
3 just cured tobacco stems in it and passed ammonia
4 gas out of a cylinder through it, no particular
5 test and low and behold, it reacted. The stuff
6 got real hot in there and steam came out. We
7 thought what is going on here, so we backed off
8 and looked at it and found out that if you didn't
9 get it -- if you got it too hot, it got real bad,
10 but if you put a normal amount in and kept the
11 temperature down fairly low, that the stuff
12 smoked, to my taste at least, significantly
13 better.

14 Q. It had improved smoking qualities
15 after you used the ammonia on it?

16 A. Yes. The stems, and later extended that to
17 flue cured tobacco, which is more closely akin to
18 stems chemically than burley, and found that --
19 well, you didn't ask me that.

20 Q. I'm just not sure I got an answer to
21 my last question. After you added ammonia to the
22 stems, the tobacco had improved smoking
23 qualities; is that correct?

24 A. The stems did.

25 Q. Right.

1 A. To my taste. I mean, beauty is in the eye
2 of the beholder.

3 Q. After you added the ammonia was there
4 reduced irritation, harshness?

5 A. That's the main area. Not harshness.
6 Well, in tobacco, our lingo, harshness means
7 strong alkaline burley type irritation, whereas
8 flue cured tobacco has more of an acidic
9 irritation, but if you are not a smoker and
10 didn't work in the industry, you probably don't
11 know what I am talking about. I do, but you
12 don't.

13 Q. Use of the ammonia made the tobacco
14 less irritating?

15 A. I think so. We were just startled that it
16 would react. I mean, we followed that up.

17 Q. Did you do -- and this work was done
18 in the lab in the 19 -- early 1950's; is that
19 correct?

20 A. I believe so. Early 50's. Early mid 50's,
21 somewhere in that.

22 Q. How long a time period did you
23 conduct this investigation or perform this work?

24 A. Oh, I don't know. Off and on probably -- I
25 had a BS, a BBS chemist that worked with me and a

51721 6151

1 lab tech and we did it kind of on the side some.
2 Probably with some intensity for as much as a
3 year and after that we may have played with it a
4 little off and on.

5 Q. So more than a year?

6 A. Possibly.

7 Q. And after you stopped serving as
8 research chemist, you didn't do any further --
9 you, yourself, didn't do any further work with
10 respect to ammonia and tobacco, did you?

11 A. In the lab?

12 Q. Yes.

13 A. No. Once I got driving a desk, I rarely
14 got back to the lab. I could, but I just didn't
15 usually.

16 Q. Do you know whether anyone at RJR
17 Tobacco did that work after you left the lab,
18 worked on ammonia and tobacco?

19 A. I believe that people followed up on it
20 some. I couldn't tell you who, when or how long,
21 but my impression is that they did, more work was
22 done on it, but.

23 Q. Was that work done under your direct
24 supervision?

25 A. I would think much beyond what we did would

51721 6152

1 have pretty much automatically gone to the
2 so-called development department. What they did
3 we often didn't know.

4 Q. When you were in the lab at RJR
5 Tobacco, did you do any other studies or
6 investigation regarding reducing irritation of
7 smoke?

8 A. Probably. I messed with all kinds of
9 stuff. I don't know of anything of any
10 consequence that came out of it, but we fiddled
11 with it, add a little of this, cooking it here,
12 baking it there, wetting it more or wetting it
13 less, you know, that kind of thing.

14 Q. Let me show you what was marked as
15 Exhibit 1096 in Minnesota, in the deposition in
16 the Minnesota case. You've seen this document
17 before, right, Dr. Teague?

18 A. Yes, sir.

19 Q. That's your signature on Page 11?

20 A. It sure is.

21 Q. And you prepared the document in or
22 around February of 1973?

23 A. Ground Hogs Day it is dated, isn't it?

24 Q. Could be.

25 A. February 2nd.

51721 6153

1 Q. So you prepared it in or around
2 February of 1973?

3 A. Certainly before February 2nd. I don't
4 know precisely when. Some of these things I
5 probably scribbled on for days, months, years.
6 It was kind of in my own so-called ten percent
7 time.

8 Q. I just want to ask you a follow-up
9 question from the Minnesota deposition with
10 respect to the ten percent time. You were asked
11 during that deposition whether you were aware of
12 any written policies describing or providing for
13 that ten percent. Since your deposition in the
14 Minnesota case in July, have you become aware of
15 any written policies or documents providing for
16 that ten percent time?

17 A. No. But I think along this time I made the
18 rules, didn't I? I was assistant director of
19 research. I don't know about anything written on
20 it.

21 Q. That's my question, written document

22 A. Nothing since the prior deposition, no.

23 Q. Okay. You prepared this document,
24 Exhibit 1096, while you were working at RJR
25 Tobacco, right?

S1721 6154

1 A. Yes, sir. I may have written on it some at
2 home. Sometimes I did, most of the time.

3 Q. It was done in the ordinary course of
4 your business, wasn't it?

5 A. Ordinary course of living, I guess.

6 Q. Well --

7 A. I did some things at my desk at work. I
8 did some things at home. If this is part of my
9 ten percent, I think it is, probably doesn't
10 matter where I did it.

11 Q. But it was done as part of your job,
12 not for private reasons, personal reasons, was
13 it?

14 A. Well, yes and no. This was, as I believe
15 we talked and you moved to strike yesterday.

16 Q. Right.

17 A. That I went to school, and one of the
18 courses I took was marketing, advertising and all
19 and psychology and this was an offshoot. This
20 was a part of those, that little family of
21 documents that I think after you read this one
22 you would certainly figure that I have very
23 little promise as a marketing man or a
24 psychologist, but it was, you know, playing with
25 stuff that I learned there and trying to apply it

51721 6155

1 to the tobacco business.

2 Q. Move to strike your answer as
3 nonresponsive.

4 A. Would you like to strike that, too?

5 Q. Yes, sir.

6 A. I'm just going to hush.

7 Q. After you prepared this document, did
8 you keep it at your files in your office?

9 A. I couldn't tell you. I would assume that I
10 did, but I don't know for a fact. See, I'm under
11 oath and you aren't, so I have to be real careful
12 if I say yes because you might come back and say
13 refresh my memory or something and I didn't do
14 it.

15 Q. No. I believe that you did. I just
16 wanted to make sure that I was correct.

17 A. Okay. Well, you can strike that, too, if
18 you like.

19 Q. No, no.

20 I've marked as Teague Exhibit 6, a
21 document with Bates numbers RJR 5272 through
22 5274.

23 (Teague Exhibit 6 marked for
24 identification.)

25 BY MR. PLASSE:

51721 6156

1 Q. Have you ever seen this document
2 before, Teague Exhibit 6?

3 A. I believe I was the author of this letter.

4 Q. Okay. Did you write the document in
5 or around December or 1969?

6 A. I haven't seen it in ages, though. I don't
7 know where it came from. I looked for it several
8 years ago at work and it never did turn up.

9 Q. Did you author the document in or
10 around December of 1969?

11 A. I believe so. That's when I was still in
12 school at Chapel Hill.

13 Q. It states on the first page, "the
14 problem" -- I'm sorry. The heading is A New
15 Product Strategy For Circumventing Problems
16 Arising From The Smoking Health Controversy, and
17 it has A, the problem. "In its search for safer
18 cigarettes, the tobacco industry in essentially
19 every case has simply reduced the amount of
20 nicotine and the amount of quality of smoke
21 delivered to the smoker, thereby decreasing the
22 satisfaction derived from smoking."

23 MR. BELASIC: The amount and quality.

24 BY MR. PLASSE:

25 Q. And quality.

51721 6157

1 A. And safer is in quotes.

2 Q. Right. "This trend is being
3 accelerated by anti-tobacco propaganda and
4 increasing government regulation. If this trend
5 continues at some point in time cigarettes may
6 simply cease to be sufficiently satisfying to be
7 attractive to many present or potential smokers."

8 Did you have a view in 1969, that if
9 the amount of nicotine in cigarettes was reduced
10 below, beneath a certain level, that those type
11 of cigarettes would not be attractive to present
12 or potential smokers?

13 A. Well, if you leave out the word level in
14 your question, I might agree. I think as a
15 general proposition, if the premise is that
16 nicotine plays a significant role in smoker
17 satisfaction, then, you know, if you take all the
18 raisins out of Raisin Bran, sooner or later it
19 wouldn't be Raisin Bran anymore.

20 If you take all the nicotine out or some
21 substantial undefined part, it would be less
22 attractive to the smoker and they would
23 presumably go to other products, other brands. I
24 think history has born that out.

25 Q. In Paragraph B, fourth paragraph, it

1 states, "For the purpose of this discussion, it
2 must be assumed that one: Nicotine is a
3 physiological habituation factor," and I think in
4 parentheses the letter H.

5 A. That came from an equation, which appears
6 to be missing. I don't know where the rest of
7 this something -- H as in habituation. H times V
8 with the sum of this and the integral of that
9 equals, or some such thing.

10 Q. And continues, "is a sine qua non and
11 two, ingestion of minimal amounts of nicotine at
12 controlled rates does not constitute a
13 significant hazard to health."

14 Statements similar to these, which in
15 this document in 1969, were in fact also made in
16 your --

17 A. Thesis.

18 Q. -- memo which has been marked as
19 Exhibit 1057; isn't that correct, this document
20 that was prepared in 1972?

21 A. Could I see that?

22 Q. Sure. I just have to get you an
23 unmarked copy.

24 A. I think about all of these came out of my
25 original draft thesis for the executive program,

51721 6159

1 but. Okay.

2 I'm sorry, what was the question?

3 Q. These issues that are raised in that
4 paragraph were raised subsequently in a document
5 you wrote in or around 1972, Exhibit 1057; is
6 that correct?

7 A. Yes. I think both of them deposit the
8 thought that propose it, premises it, set it up,
9 whatever, that nicotine is, may or may not be,
10 but for the purposes of the discussion is assumed
11 to be a major desirable component of cigarette
12 smoke, and I think we go so far as to say sine
13 qua non, which means if you take all the nicotine
14 out you got nothing.

15 That's the way I remember it, reading the
16 two documents and thinking about them together.
17 Is that what you wanted to know?

18 Q. No. I think I move to strike the
19 answer as not being responsive.

20 The issue, the reference to sine qua
21 non, nicotine is a sine qua non that's referred
22 to in Teague Exhibit 6, also appears, does it
23 not, on Page 3 of Exhibit 1057, that was a
24 document prepared in December in or around -- or
25 April of 1972?

51721 6160

1 A. Right. Both of them say if. If it is.
2 The 19, whatever it is, 1057 says if it is, and
3 the one we have, the short one we have says, and
4 for the purposes of this discussion it must be
5 assumed that, so they are both, you know, they
6 are both qualified statements that are intended
7 to be provocative to make me think further on the
8 thing and develop pros and cons.

9 Q. Move to strike the last two
10 sentences.

11 MR. BELASIC: That's the second time
12 you've done that. If you want to ask Dr. Teague
13 if the three words, sine qua non appear in both
14 of those memoranda, then go ahead, but if you are
15 going to ask Dr. Teague if the same type of -- if
16 the same type of theory or whatever else you are
17 asking him appear in the memo, then let him
18 answer the question.

19 If you are going to move to strike
20 every explanation and if you are going to try to
21 deliberately mislead him on whether it says it is
22 a sine qua non, then don't waste anybody's time
23 at this table.

24 MR. PLASSE: Do you have an
25 objection?

51721 6161

1 MR. BELASIC: That's my objection.
2 You are misleading the record, the way you read
3 in sine qua non didn't include the if or the
4 assumption that is in the premise. You didn't
5 read in the full sentence. You continue to
6 persist in asking Dr. Teague about something that
7 is taken out of context. Now he's explained the
8 context twice and you moved to strike. All you
9 are doing is misleading the record.

10 MR. PLASSE: I would urge you to
11 limit your objections to objection to form.

12 MR. BELASIC: I would urge you to
13 read the entire sentence into the record and not
14 create what appears to be now, judged by your
15 reaction, a deliberate attempt to mislead the
16 witness and to misinform the record.

17 BY MR. PLASSE:

18 Q. This document, Teague Exhibit 6,
19 contains on Page 2, two examples of proposed new
20 product types; is that correct, the transitional
21 and the simulated cigarette?

22 A. I thought you were talking to him. Excuse
23 me. I just tuned out.

24 Q. I'm done with Mr. Belasic for the
25 time being.

1 A. Are you going to strike what he said?

2 MR. DAVIS: No. He has a question to
3 you.

4 THE WITNESS: Okay.

5 BY MR. PLASSE:

6 Q. I'll repeat the question. Page 2 on
7 Teague Exhibit 6, has examples of two new
8 proposed product types, one being a transitional
9 tobacco burning and the second one being a
10 simulated cigarette aerosol generator; is that
11 correct, generally?

12 A. Where do you see proposed new products?

13 Q. Well, it has references to examples
14 of new product types contemplated.

15 A. Contemplated.

16 Q. Contemplated, fine. One being a
17 transitional tobacco burning and the second being
18 a simulated cigarette aerosol generator.

19 A. Um-hum.

20 Q. Yesterday I was asking you some
21 questions about Premiere, and the record will
22 reflect what you said, but what I think you said
23 is that the type of cigarette that Premiere
24 ultimately was considered by you at some time
25 during your work; is that correct, is that fair

1 to say?

2 A. I'm not sure what -- I wouldn't have said
3 it that way.

4 Q. Let me rephrase the question. It is
5 a bad way to say it.

6 A. Okay.

7 Q. Did you do any work that related to
8 the development of Premiere?

9 A. Premiere incorporated lots of work from a
10 lot of people over time. I don't know.

11 Q. Well, did Premiere have tobacco that
12 did not burn?

13 A. Sir, again, I don't know. You would really
14 have to get down to some very specific technical,
15 like what do you mean by burn, and I would be
16 hard pressed to give you an example of that.

17 Q. Well, I mean, just for example on
18 Page 2 of Exhibit 6, the last three lines says,
19 does not use tobacco or burn.

20 A. Okay. That's what it says, sure.

21 Q. Okay. So was this simulated
22 cigarette, to the extent it was designed so as to
23 not burn tobacco, similar to Premiere, which also
24 did not burn tobacco?

25 A. I'm not sure that Premiere doesn't burn

51721 6164

1 tobacco. It had a heat source. I don't know
2 that much about Premiere when you get right down
3 to it. It was done in a very secret development
4 group.

5 Q. Were you not part of that group?

6 A. No, sir. I was not by choice.

7 Q. Why did you choose not to be part of
8 it?

9 A. A lot of reasons.

10 Q. Do you recall any?

11 A. You would strike them all if I gave them to
12 you, so let's move on. Largely political in
13 nature.

14 Q. Did you have a view that the Premiere
15 project would not be successful before work
16 started on it?

17 A. No.

18 MR. PLASSE: I would like to suggest
19 we take maybe a five or ten minute break. I just
20 want to go over some of these documents in
21 general. Why don't we go off the record.

22 THE VIDEOGRAPHER: We are off the
23 record at 2:11.

24 (Off the Record.)

25

51721 6165

1 (Teague Exhibit Number 7 marked for
2 identification.).

3 THE VIDEOGRAPHER: We are back on the
4 record at 2:28.

5 BY MR. PLASSE:

6 Q. Dr. Teague, I've had marked as Teague
7 Exhibit Number 7, a two page document dated
8 February 13, 1987. Can you identify what the
9 document is?

10 A. This is it. Yes, I can, and I have a
11 problem with you, if you will read Paragraph 2 on
12 Page 2, I have a problem. I mean, if you can
13 talk in generalities, but you see where that --
14 where this leaves me?

15 Q. Well, we had a discussion about this
16 yesterday, perhaps off the record. We're covered
17 by a confidentiality order in the litigation.

18 A. But sooner or later this will be on the
19 Internet.

20 MR. DAVIS: He's agreed that it will
21 be maintained confidential pursuant to the
22 confidentiality agreement, and RJR counsel is
23 here and does not take the position you are
24 violating it or anything of that nature.

25 MR. BELASIC: That's correct.

1 Dr. Teague is here pursuant to subpoena. He's
2 compelled by the subpoena to answer questions.
3 His involuntary testimony here today, I don't
4 regard as any violation of this termination
5 agreement, and in any event, we're designating it
6 as confidential, it is not going to be disclosed
7 for any purpose outside of this litigation.

8 THE WITNESS: Okay. I had agreed one
9 way and I wanted to make sure I wasn't --

10 BY MR. PLASSE:

11 Q. This document, Teague Exhibit 7, is
12 your termination agreement with RJR; is that
13 correct?

14 A. Yes, sir.

15 Q. And that is your signature on the
16 bottom page, bottom left of the exhibit?

17 A. Yes, it is. Interesting. Well, I won't go
18 into that.

19 Q. To the best that you know, the
20 document Teague Exhibit 7, accurately reflects
21 the terms of your termination of your employment
22 from RJR Tobacco, to the best of your knowledge?

23 A. In a general sense, yes.

24 Q. While you were employed at RJR
25 Tobacco, were there periodic performance

51721 6167

1 evaluations made of your performance?

2 A. Sometimes, yes. There were different
3 systems while I was there. I was there what, 37
4 years, and they were done different ways,
5 different formats and different content, I guess.

6 Q. And you are referring to written
7 performance evaluations, is that correct, in your
8 prior answer?

9 A. There were written and there were also
10 where you would sit down with your employees or
11 employer and discuss.

12 Q. How many written performance
13 evaluations were made with respect to your work
14 at RJR Tobacco?

15 A. I have no idea.

16 Q. More than ten?

17 A. More than ten -- you mean ones that I
18 prepared or participated in or what? People may
19 have rated me everyday that I didn't know about,
20 do you understand, so you have to confine it a
21 little more.

22 Q. To the extent that you are aware of
23 their existence.

24 A. Okay. More or less than ten, I guess is
25 the best answer I can give. I just don't know.

51721 6168

1 It is very hard. It is not something that you
2 file away in your memory.

3 Q. Was there a general procedure as to
4 whether you as an employee could obtain a copy of
5 the performance evaluation?

6 A. Again --

7 Q. Written performance evaluation?

8 A. I understand that but, again, I think there
9 were at least three or four different systems
10 during the period that I was there. Most of the
11 time I think you got a copy of it.

12 We had a, what do you call them, MBO
13 evaluations for awhile, I know, and you were, I
14 think, graded on any number of categories and
15 stuff like that.

16 Q. What does MBO refer to; if you know?

17 A. Management by objectives, I think.

18 Q. So at least on certain occasions, you
19 obtained copies of your written performance
20 evaluations; is that correct?

21 A. I believe so, yes, sir.

22 Q. And on those occasions did you read
23 through the performance evaluation?

24 A. I would guess any time I read through one
25 got a copy of it, but I don't know. I mean --

51721 6169

1 Q. Actually my question was the other
2 way around. When you got a copy of it, did you
3 read it?

4 A. If they gave me a copy, did I read it?

5 Q. Right.

6 A. You better believe I read it.

7 Q. I mean, it was important to you to
8 know how your performance was being judged; is
9 that correct?

10 A. Certainly.

11 Q. On those occasions when you read
12 written performance evaluations, do you recall
13 generally what the tenor of those evaluations
14 were, were they positive generally?

15 A. I think always, as far as I know.

16 Q. Okay.

17 A. As far as I remember.

18 Q. Let me have marked as Teague Exhibit
19 8, this is a document that has been produced by
20 the witness in response to the subpoena, so it
21 does not have a RJR Bates number to it.

22 (Teague Exhibit Number 8 marked for
23 identification.)

24 MR. PLASSE: I think I may have
25 marked -- I'm sorry, Bill, does yours have any

51721 6170

1 handwritten lines on it?

2 THE WITNESS: No.

3 MR. DAVIS: No. Do you mean does it
4 have any marks of yours?

5 MR. PLASSE: Yes.

6 MR. DAVIS: No.

7 MR. PLASSE: I have what I want.

8 BY MR. PLASSE:

9 Q. Dr. Teague, can you tell me what
10 Teague Exhibit Number 8 is?

11 A. This, it says at the top, R.J. Reynolds
12 Tobacco Company performance evaluation exempt
13 employees, for me.

14 Q. Right. On the last page of the
15 exhibit, do you see where it has got signatures
16 and a date?

17 A. Right.

18 Q. So the employee, is that your
19 signature?

20 A. Yes, sir.

21 Q. And it is dated March 17, 1982?

22 A. That's right.

23 Q. And there is a line evaluated by. Do
24 you know whose signature that is?

25 A. Roy E. Morris.

1 Q. What was Mr. Morris' position with
2 respect to yours?

3 A. Roy was, I don't know the exact title. He
4 was vice-president for R and D or senior
5 vice-president for R and D, you know, but he was
6 a company officer.

7 Q. In 1982 you were director of R and D,
8 right?

9 A. 1982.

10 Q. Director of R and D administration?

11 A. Yes. But this says director leaf R and D.
12 There is a glitch there somewhere.

13 Q. I mean, if I show you what has
14 previously been marked as Exhibit 1097, which is
15 your internal resume, it indicates that in --
16 beginning in February of 1981, you were director
17 of R and D administration, right?

18 A. This,.

19 Q. By this you are referring to the
20 reference on the first page of Teague Exhibit 8,
21 that says director of leaf R and D?

22 A. Um-hum.

23 Q. So you read this evaluation. Well,
24 did you receive this evaluation on or about March
25 16, 1982?

51721 6172

1 A. That's the date I signed it.

2 Q. Right. You signed it March 17, 1982.

3 A. Okay. 17. I guess I got it that day.

4 Q. When you received it, you read it,
5 right?

6 A. Right.

7 Q. The first page general comments --
8 well, I mean, in your view was this a positive
9 evaluation?

10 A. Sure. Three one's and one two. That's
11 three A's and a B.

12 Q. One refers to consistently exceeds
13 job requirements and two refers to consistently
14 meets and makes the job requirements?

15 A. That's right.

16 Q. And then the first page under general
17 comments it states, "in all areas assigned to him
18 Dr. Teague has performed admirably. He has
19 brought imagination and a high order of
20 administrative skills to his assigned tasks -
21 going far beyond the simple routine performance
22 of his accountabilities. He has suggested
23 improved methods and more efficient conduct of
24 assigned tasks. In brief, his work has been
25 outstanding, and he is a large factor in the

51721 6173

1 efficient operation of R and D administration."

2 That's what it says, right?

3 A. That's what it says.

4 Q. And that was Mr. Morris' --

5 A. Dr. Morris.

6 Q. -- Dr. Morris' comment regarding you?

7 A. Yes.

8 Q. And he was your supervisor at that
9 time?

10 A. Sure.

11 MR. PLASSE: I would like to have
12 marked as Teague Exhibit 8, this is another
13 document that was provided to me in response to
14 the subpoena.

15 MR. DAVIS: This is going to be
16 Exhibit 9.

17 MR. PLASSE: I'm sorry. You're
18 right, Teague Exhibit 9.

19 (Teague Exhibit Number 9 marked for
20 identification.)

21 THE WITNESS: You don't want to read
22 the back page?

23 BY MR. PLASSE:

24 Q. If you want me to read the back page,
25 fine.

51721 6174

1 The last page of Exhibit 8 states,
2 "Dr. Claude Teague has a long and tortuous
3 history in R and D at Reynolds. Because of his
4 long exposure to Reynolds and because he has been
5 translocated on numerous occasions, he has an
6 unmatched exposure to all aspects of the Reynolds
7 operation. Of especial value is his tour of duty
8 in the financial and planning operations of the
9 company. This has given him a rare insight into
10 the phases of a large operating company which is
11 rare in a professional research chemist. Because
12 of his ability to see many sides of a problem,
13 and because of his ability to report an issue,
14 briefly and in clear language, he brings a rare
15 skill to R and D and one which is a treasure at
16 administrative and interdepartmental levels. The
17 above enumerated activities are his major
18 strengths, and they are in no need of
19 improvement." I'm sorry, "and they are in need
20 of no improvement.

21 "Another skill he brings to his
22 assigned tasks because of his long Reynolds
23 tenure is the ability to "feel the mood" of
24 operating R and D personnel. This is invaluable
25 in sensing unrest and in anticipating problems

51721 6175

1 before they grow to major proportions.

2 "Finally, but by no means least,
3 Dr. Teague brings to his assignment a
4 characteristic that can best be described as
5 "horse sense." Difficult to describe and
6 impossible to teach, but an invaluable asset in
7 his position."

8 That's what Dr. Morris' view of you
9 was, wasn't it, sir?

10 A. Thank you, sir.

11 Q. That's what Dr. Morris' view of you
12 was, was it not?

13 A. Yes. Right.

14 Q. Okay. On Teague Exhibit 9 is this
15 another written performance evaluation of you?

16 A. This is mine?

17 Q. Um-hum.

18 A. It seems to be a different format, but
19 that's basically what it is.

20 Q. And this is on the last page of the
21 exhibit, is that your signature, employee's
22 signature?

23 A. Yes, sir.

24 Q. And you signed it --

25 A. Well, no, it's not my signature. It is my

1 name.

2 Q. Okay.

3 A. I don't know who signed it.

4 Q. All right.

5 A. But it -- okay.

6 Q. What is this document? Is this a
7 performance evaluation of you for period ending
8 in 1985; is that correct?

9 A. Well, let's see. It says merit performance
10 evaluation. Date last appraised was February of
11 '85. This is dated December '85, so it was
12 probably an annual. I probably never saw this
13 one.

14 Q. Well, this is a document that you
15 provided to me from your files.

16 A. I must have then. I don't know.

17 Q. So you seen it at some point?

18 A. Right. I don't know who signed it.

19 Q. Okay. Who is that where it says
20 appraised by, is that Dr. DeMarco?

21 A. Yes. G. Robert DeMarco.

22 Q. Right. What was your relationship to
23 him in December of 1985?

24 A. He succeeded Dr. Morris, who wrote the one
25 we just looked at, as some kind of vice-president

51721 6177

1 R and D. I think it was senior vice-president.
2 He may have been executive vice-president.

3 Q. Okay. There's a reference to
4 reviewed by on that last page of Exhibit 9. Who
5 is that? *

6 A. Jerry Long.

7 Q. What was your relationship to him?

8 A. Well, Jerry was president of the company
9 and you had to have a two up approval on these
10 things, so DeMarco reported to Long, and I
11 reported to DeMarco and you had to have, like
12 some expenses you got to have a two up approval,
13 that's what this was.

14 Q. Okay. So would you consider this to
15 be a positive evaluation, Exhibit 9?

16 A. Sure.

17 Q. Under overall performance rating on
18 the third page, it states, "Claude holds a
19 responsible position re the effective and
20 efficient operation of the R and D function. His
21 responsibility has grown dramatically in the past
22 few years since R and D moved into its new
23 facility and as our service functions, i.e.,
24 legal, patent, comptrollers and personnel have
25 grown to keep pace with R and D's growth. Claude

51721 6178

1 has been responsible this past year for opening
2 and integrating the new PT&D building into our
3 facilities, as well as accommodating several
4 important new and growing groups, i.e.,
5 biochemical - biobehavioral, Alpha and
6 Environmental Tobacco Smoke, into our current
7 facilities.

8 "Claude is a true professional and
9 gets the work done with little or no fuss and/or
10 disruptions to our every day work. His normal
11 duties have not suffered with his increased
12 responsibilities; in fact, planning, reporting,
13 budgeting, building maintenance, security, and
14 effective resource management - all part of his
15 normal duties - have been strengthened this year.

16 "I appreciate his professionalism and
17 managerial abilities in that I don't have to
18 worry about his area of responsibilities which
19 frees me to concentrate on the research
20 activities of the department.

21 "Claude's scientific background and
22 tobacco experience are also very helpful to me as
23 a dependable resource of thoughtful and balanced
24 judgments."

25 That's what the performance rating

51721 6179

1 states, doesn't it?

2 A. Um-hum.

3 Q. And it is a very positive review,
4 isn't it?

5 A. I took it to be, yes, sir.

6 Q. Let me just ask you a couple of
7 question. What is the PT&D building that's
8 referred to?

9 A. It was the engineering building, product
10 something and development. It escapes me. I
11 know where the building is.

12 Q. Okay. Let me show you another
13 document. This document was provided to me in
14 response to the subpoena. Can you tell me what
15 the document is?

16 A. Yes. It is dated February '70. The
17 company embarked upon one of the latest and
18 greatest management tools of time known as the
19 managerial grid, and we went, a group of
20 management people, must have been, I don't know,
21 at least a hundred, maybe 200, went over to
22 Sedgefield Country Club in Greensboro and spent
23 about a week going through this drill. Part of
24 the drill was, I think towards the end of the
25 drill you sat in a group when you were supposedly

51721 6180

1 psychologically beat like they do with the
2 Berlitz language thing, they just wipe you out to
3 where things just come and go, sort of like --
4 anyway. And then you, this front page is the
5 group of, I think there were, I don't know, six
6 or eight, eight or ten people in my group, each
7 threw out adjectives to describe you and then the
8 group also wrote, for each one wrote the
9 following pages here, little bullets about you,
10 how you handle things. Is that what you want to
11 know?

12 MR. PLASSE: Why don't we mark this
13 as Exhibit 10, please.

14 (Teague Exhibit Number 10 marked for
15 identification.)

16 BY MR. PLASSE:

17 Q. Who in fact prepared the document?

18 A. This?

19 Q. Exhibit 10.

20 A. As best I remember, we wrote on flip charts
21 with magic mark, some kind of thing and we got
22 them and I brought it back after the meeting and
23 had somebody just to transcribe it, put it in
24 this form.

25 Q. So on the first page of Exhibit 10

1 these are a series of adjectives that colleagues
2 of yours made with reference to you?

3 A. Right. One, two, three, four, five,
4 apparently six, yes. There were six people
5 evidently not -- include seven in all, and we did
6 that for each person. They stood up and --

7 Q. The first page are adjectives that
8 your colleagues said that referred to you; is
9 that correct?

10 A. Yes, sir. That's right.

11 Q. And the second page of Exhibit 10,
12 for example, decisions, he is more interested in
13 developing right decisions than who made the
14 decisions. Is that the view of one person or was
15 that a consensus?

16 A. No. Each of these one through six things
17 is the view of one person, and I didn't
18 necessarily know who that person was. I think in
19 the margins I've guessed at who wrote them.

20 Q. Okay.

21 A. And then the last page was the same thing
22 done with, I think this was one, Phase II, the
23 grid where my own organization managers, we did
24 the same thing, the adjective things. I don't
25 think we wrote little blurbs in those categories.

51721 6182

1 If we did, they are missing now. I don't know.

2 Q. So with respect to that last page,
3 there were certain colleagues in your group, is
4 that it, who --

5 A. The first page --

6 Q. Just the last page, if you would.
7 The last page is a collection of adjectives
8 obtained from what type of group?

9 A. My own R and D group, whereas the first
10 page was from people like the chief engineer and
11 one of the legal people and our personnel guy and
12 what all.

13 Q. So members of your R and D group, or
14 different members of your R and D thought you
15 were a deep thinker, a clear thinker, deliberate,
16 a scholar, is that correct, among other things?

17 A. Yes. That's right.

18 Q. And with respect to the first page,
19 that was a group from different departments, is
20 that -- in other words, someone from engineering,
21 someone from research, is that -- that's the
22 group that made the first page?

23 A. Sure. Bob Newsome was from engineering,
24 Bowdean was chief engineering. Hussey, I think
25 was a marketing man.

51721 6183

1 I have forgotten the others, but
2 there were people that I had not known prior to
3 the exercise.

4 Q. Okay.

5 A. We were all substantially the same level in
6 the company as far as the hierarchy.

7 Q. Okay.

8 MR. PLASSE: I don't have any further
9 questions.

10 MR. BELASIC: Dr. Teague, I have a
11 few questions.

12 THE WITNESS: Okay.

13 MR. PLASSE: Is that to say you were --
14 off the record -- well, we're on the record. I
15 don't want an answer, but you were a Fonda type?
16 I'm not asking for an answer.

17 THE WITNESS: You seen the 12 Honest
18 Men movie?

19 MR. PLASSE: Right. The jurors?

20 THE WITNESS: Right. I was
21 supposedly the Fonda.

22 MR. PLASSE: Okay. I have no further
23 questions at this point.

24 CROSS EXAMINATION

25 BY MR. BELASIC:

51721 6184

1 Q. Dr. Teague, did you ever regard
2 yourself as an expert on the issue of cigarette
3 smoking and addiction?

4 A. No, sir.

5 Q. At any time?

6 A. No.

7 Q. Have you ever regarded yourself as an
8 expert on nicotine's role in smoking?

9 A. Not really.

10 Q. At any time?

11 A. No.

12 MR. PLASSE: Objection to form.

13 THE WITNESS: No.

14 BY MR. BELASIC:

15 Q. I'm going to give you the internal
16 resume Mr. Plasse showed you just in case it
17 refreshes your memory. I just want to ask you a
18 few questions about your work at Reynolds. You
19 were a bench scientist or a laboratory research
20 chemist from 1951 to 1960; is that correct?

21 A. I believe those are about the right dates.
22 Yes.

23 Q. Now, after 1960 you were no longer a
24 laboratory chemist; is that correct?

25 A. That's true with the possible exception we

51721 6185

1 had a farm down in Edenton, North Carolina,
2 growing a plant to extract chemical to convert to
3 a flavor that had a laboratory and I was down
4 there in that period and, you know, we ran some
5 simple quality control. We were -- my crew was
6 really operating the chemical plant, but we would
7 go in, and I wasn't doing any research, but I did
8 a little bit of lab work, I guess if you could
9 call it that.

10 Q. So with that exception from 1960 on
11 you moved into the management or administration
12 of research; is that fair?

13 A. I believe that's fair to say.

14 Q. In your own words, you were driving a
15 desk after 1960?

16 A. Pretty much so, yes.

17 Q. Did you ever have any responsibility
18 for the marketing of Reynolds cigarettes?

19 A. No.

20 Q. Reynolds had a separate marketing
21 department?

22 A. Yes.

23 Q. Did you ever work for the marketing
24 department?

25 MR. PLASSE: Objection to form.

51721 6186

1 THE WITNESS: I spent some time over
2 there as indoctrination, but no, I never was
3 employed by them.

4 BY MR. BELASIC:

5 Q. At any time during your tenure at
6 R.J. Reynolds, did your job duties include the
7 marketing of cigarettes?

8 A. No.

9 Q. I'm going to hand you Exhibit 1096
10 that Mr. Plasse showed you, and that's the
11 document that's entitled research planning
12 memorandum on some thoughts about new brands of
13 cigarettes for the youth market.

14 MR. PLASSE: Mark, just hold on for
15 one second, please.

16 Okay.

17 BY MR. BELASIC:

18 Q. Do you remember that document?

19 A. Sure.

20 Q. Did Reynolds ever develop the
21 potential new brands that you discussed in
22 Exhibit 1096?

23 A. As far as I know, they did not. I don't
24 really think this ever went anywhere.

25 Q. To the best of your knowledge, did

1 you send Exhibit 1096 to anyone else at Reynolds?

2 A. I certainly don't recall doing it.

3 Q. To the best of your knowledge, was
4 any action taken by anyone at Reynolds on your
5 memo, Exhibit 1096?

6 MR. PLASSE: Objection to form.

7 THE WITNESS: I don't think -- if I
8 were going to give it to anybody, I think I would
9 assume a distribution, sir, and it would have
10 been addressed to somebody as some of these, one
11 or two of these were.

12 I don't think it went anywhere, so if
13 somebody took an action that resembled something
14 I recommended, it was sheer coincidence, I would
15 think.

16 BY MR. BELASIC:

17 Q. To the best of your knowledge, was
18 your proposal in Exhibit 1096 about new brands
19 for the so-called youth market, was that proposal
20 consistent with Reynolds policy at the time?

21 MR. PLASSE: Objection to form.

22 THE WITNESS: I'm not sure I know
23 what it says at this point, but I think this was
24 more an outgrowth of my executive program. I was
25 playing junior marketing man here.

51721 6188

1 I would say that if it was consistent
2 with any of Reynolds policy, I would think it was
3 pure coincidence, because I don't think I knew
4 Reynolds marketing policies, among other things.
5 Is that what you -- is that responsive?

6 BY MR. BELASIC:

7 Q. I think so. I'm going to hand you
8 what was marked as Exhibit 5, and that's the
9 memorandum written by someone named Melanie
10 Murriell, October 9, 1985, and it is titled
11 NOW-type cigarettes with increased nicotine.

12 A. I remember that one from yesterday.

13 MR. PLASSE: Wait a second.

14 THE WITNESS: It looks like that.

15 MR. PLASSE: I'm sorry.

16 That was marked today or yesterday?

17 MR. BELASIC: Yesterday.

18 THE WITNESS: I believe it was
19 yesterday.

20 MR. DAVIS: John, do you want me to
21 make a copy?

22 MR. PLASSE: I guess so. Yes, if you
23 would. I'm sorry. Could you?

24 MR. DAVIS: Sure.

25 MR. BELASIC: Maybe just to save

51721 6189

1 time, maybe you could just look at that.

2 MR. PLASSE: Just look over his
3 shoulder.

4 MR. BELASIC: I don't think
5 Dr. Teague is going to need to review it, I just
6 have two questions.

7 BY MR. BELASIC:

8 Q. Dr. Teague the NOW-type cigarette
9 referred to in Exhibit 5, that was a very low tar
10 cigarette that would have medium nicotine?

11 A. What I was recommending or what the NOW
12 cigarette that was being marketed was low tar and
13 low nicotine.

14 Q. And the hypothetical NOW cigarette in
15 that memo, Exhibit 5, would have had very low tar
16 but medium nicotine?

17 MR. PLASSE: Objection to form.

18 THE WITNESS: Bump up the nicotine,
19 that's right.

20 BY MR. BELASIC:

21 Q. Sir, do you know if Reynolds ever put
22 the type of cigarette described in Exhibit 5 out
23 for sale on the open market?

24 A. The type I was proposing, not that I'm
25 aware of.

51721 6190

1 Q. Do you know if any follow-up action
2 was taken on Exhibit 5 after the date of that
3 memo, October 9, 1985?

4 MR. PLASSE: Objection to form.

5 THE WITNESS: I don't think any was.
6 In fact, I think what I was doing was
7 recommending this as an alternative to that funny
8 cigarette they put out with the heated, you know,
9 what was the name of it?

10 BY MR. BELASIC:

11 Q. Premiere?

12 A. Yes. I was suggesting, hey, this would be
13 a quick way to accomplish essentially the same
14 thing.

15 Q. During the time you worked at
16 Reynolds from 1951 to 1987, to the best of your
17 knowledge, did Reynolds ever sell a low tar,
18 medium nicotine cigarette?

19 A. Not that I'm aware of, no. No.

20 Q. I'm going to show you what was marked
21 as Exhibit 6 by Mr. Plasse.

22 A. Do you want this one back? This is one we
23 looked at, talked about.

24 Q. Sure. Could you just read the title
25 for us of Exhibit 6, sir?

51721 6191

1 A. Sure. A new product strategy for
2 circumventing problems arising from the
3 smoking-health controversy.

4 Q. There are no addressees or cc's
5 indicated on that exhibit, are there, Exhibit 6?

6 A. No, sir.

7 Q. Do you remember if you sent that
8 memorandum to anyone?

9 A. I don't believe that I did. I think this
10 was probably the opening gun to doing my thesis
11 at Chapel Hill in the executive program. This
12 was kind of sort of an overall thesis that I was
13 proposing, later modified but, no, I don't think
14 it went anywhere.

15 Q. Do you know when you wrote Exhibit 6?

16 A. Well, this says December 10, 1969. That
17 was in the period that I was in the executive
18 program at Chapel Hill, and I think it probably
19 predated some of the earlier drafts that came
20 out. I'm not sure.

21 Q. Why did you write that memorandum,
22 Exhibit 6?

23 A. I don't know specifically. I think
24 probably this was in -- it was either done along
25 with my thesis or as a part of it, or it was done

51721 6192

1 as part of what went on in my schooling at Chapel
2 Hill in the executive program, and I don't
3 believe it went anywhere at Reynolds.

4 I think I'm pretty good, pretty vigorous,
5 in fact, if something was distributed, I would
6 show it on the document and it would be addressed
7 to somebody and it would be copied in the library
8 files, in our report files, so I think much later
9 some of the people did see it that were working
10 on the Premiere and some of that stuff. I know
11 the law people, the patent people did.

12 MR. BELASIC: That's all the questions I
13 have. Thanks.

14 MR. PLASSE: Could I hear the second
15 to the last response of the witness where he
16 referred to the law people.

17 (The preceding answer was read back.)

18 MR. PLASSE: Okay.

19 REDIRECT EXAMINATION

20 BY MR. PLASSE:

21 Q. I have just a couple of follow-up
22 questions. In your prior response when you said
23 much later some people saw it who worked on
24 Premiere, are you referring to Teague Exhibit
25 Number 6?

51721 6193

1 A. The one I had? Which one? Yes.

2 Q. Okay. Do you have an understanding
3 of how those people came to see it?

4 A. No. It -- well, if you want to hear it.

5 Q. Well, let me rephrase the question.
6 As I understand your testimony, you are saying
7 that since there are no cc's listed on Exhibit 6
8 at the time that you prepared it, you don't
9 believe that you sent it to anyone?

10 A. Exactly.

11 Q. So how was it that some time
12 subsequently people that were working on Premiere
13 saw Exhibit 6?

14 MR. DAVIS: Objection. Go ahead.

15 THE WITNESS: Bob DeMarco, the
16 vice-president, I think asked kind of generally,
17 has anybody done any work along these lines, and
18 I presume they produced a copy to him.

19 I don't show that I did, and I think
20 about the same time somebody from the group
21 working on Premiere came and asked me if I had
22 anything and they would like to see it and use
23 it, and I gave them copies of it, and at some
24 point I think I also provided copies of some of
25 that to our -- we had a separate patent, legal

51721 6194

1 law group, four, five patent lawyers. I think I
2 provided some stuff to them. I don't
3 specifically know whether this was among them or
4 not.

5 BY MR. PLASSE:

6 Q. It may have been?

7 A. It could have been. If I had it, I
8 probably sent it if I could have found it.

9 MR. PLASSE: No further questions.
10 Thank you.

11 THE VIDEOGRAPHER: We are off the
12 record at 3:07.

13 (Deposition concluded at 3:07 p.m.)
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C E R T I F I C A T E

I, Claude Teague, do hereby certify that I have read and understand the foregoing transcript and believe it to be a true, accurate, and complete transcript of my testimony, subject to the attached list of changes, if any.

CLAUDE TEAGUE

This deposition was signed in my presence by Claude Teague, on the _____ day of _____, 1997.

Notary Public

My Commission Expires:

51721 6196

ERRATA SHEET

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51721 6198


1 State of North Carolina
2 County of Forsyth
3

4 REPORTER'S CERTIFICATE
5

6 I, Jane F. Allen, a Notary Public in
7 and for the State of North Carolina, do hereby
8 certify that there came before me on Wednesday,
9 November 12, 1997, the person hereinbefore named,
10 who was by me duly sworn to testify to the truth and
11 nothing but the truth of his knowledge concerning
12 the matters in controversy in this cause; that the
13 witness was thereupon examined under oath, the
14 examination reduced to typewriting under my
15 direction, and the deposition is a true record of
16 the testimony given by the witness.

17 I further certify that I am neither
18 attorney or counsel for, nor related to or employed
19 by, any attorney or counsel employed by the parties
20 hereto or financially interested in the action.

21 IN WITNESS WHEREOF, I have hereto set my
22 hand and affixed my official notarial seal, this
23 the 13th day of November 1997.
24

25 
Jane F. Allen, Notary Public
My Commission Expires 10/26/02

51721 6200

CONFIDENTIAL - UNCLASSIFIED



RECYCLED

ATF LEGAL 800-222-2610 ED-1

EXHIBIT A

in



CATHERINE ZITO VS. AMERICAN TOBACCO COMPANY et al
CLAUDE TEAGUE to be served

262220

RON BARKER

Sheriff SEP 17 12 52 PM '97
Forsyth County, N.C.



4

OUT OF STATE OF NORTH CAROLINA
AFFIDAVIT OF SERVICE

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH COUNTY

AFFIDAVIT OF SERVICE

I, J. R. Brown Sr. Deputy Sheriff of Forsyth County being
duly sworn, do certify that on the 22 day of Sept, 1997, at 1426 o'clock
served the attached process(es) ORDER AND Subpoena
by delivering to William K. Bell, Jr. - Davis
(Name of Person Served)
copy of the process(es) at the following address:

635 W. 4th St W S

RON BARKER
Sheriff of Forsyth County

166-627
#S.C.C.P.

R. B. Brown Sr.
Signature of Deputy Sheriff

STATE OF NORTH CAROLINA
FORSYTH COUNTY

I, Chrystal B. Crosby, a Notary Public of Forsyth County, North Carolina do certify that

R. B. Brown Sr.

the maker, personally appeared before me this day and acknowledged the due execution of the

foregoing instrument.

STATE OF NORTH CAROLINA
FORSYTH COUNTY

CERTIFICATE OF REGISTER OF DEEDS THAT NOTARY
PUBLIC WAS ACTING NOTARY AT TIME OF SIGNATURE

I, Dickie C. Wood, Register of Deeds of Forsyth County North Carolina, do hereby certify that I am custodian of the record of qualifications of notaries public for said county; that Christal B. Crosby was, at the time of signing the foregoing (or annexed) certificate, a duly commissioned and qualified Notary Public in and for Forsyth County, North Carolina, and as such, full faith and credit is due his-her official acts. Further, that the signature thereto is in the proper handwriting of said notary public.

In TESTIMONY WHEREOF, I hereunto set my hand and seal of office

this:

September 26, 1997

Dickie C. Wood, Register of Deeds

By: 

Deputy/Assistant

(Official Seal)

CONFIDENTIAL: MINNESOTA TOBACCO TRUST

262220
product by
CATHERINE ZITO, PETER HOBERMAN
and GEORGE ELISSEOU, individually, and on
behalf of others similarly situated,

Plaintiffs,

- against -

THE AMERICAN TOBACCO COMPANY, INC.,
AMERICAN BRANDS INC., COUNCIL FOR
TOBACCO RESEARCH - USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

SEP 17 12 52 PM '97

FORSYTH COUNTY
WINSTON-SALEM, NC

ORDER AND SUBPOENA

An Amended Notice to Take Video Deposition, and Open Commission, addressed to Claude Teague having been presented to and examined by the undersigned Presiding Superior Court Judge of Forsyth County, North Carolina, and it appearing to the undersigned Judge pursuant to the provisions of Rule 28 of the North Carolina Rules of Civil Procedure, a North Carolina Order and Subpoena should be issued to Claude Teague c/o William K. Davis of Bell, Davis & Pitt, to appear at the Law Offices of Bell Davis & Pitt, 635 W. 4th. Street, Winston-Salem, North Carolina on Thursday, September 25, 1997, at 9:00 a.m.

NOW THEREFORE, IT IS ORDERED that the Sheriff of Forsyth County serve this Order, Subpoena Duces Tecum, Amended Notice to Take Video Deposition, and Open Commission upon Claude Teague, c/o William K. Davis of Bell, Davis & Pitt, 635 W. 4th. Street, Winston-Salem, North Carolina, 27102 directing him to personally appear at the Law Offices of Bell Davis & Pitt, 635 W. 4th Street, Winston-Salem, North Carolina, 27102 on Thursday, September 25, 1997, at 9:00 a.m., for the purpose of taking testimony by videotaped deposition and to produce documents which are set forth on the enclosed Notice of Deposition, page 4 indicated as Schedule A.

5029 1219 This the 16th day of September, 1997.

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

Index Nos. (110949/96, 110951/96, 110953/96, 110950/96, 110952/96)

PHYLLIS SMALL and DENISE FUBINI,
individually, and on behalf of
others similarly situated,

Plaintiffs,

- against -

LORILLARD TOBACCO COMPANY, INC.,
LORILLARD, INC., LOEWS CORPORATION,
COUNCIL FOR TOBACCO RESEARCH - USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

MARY ANN HOSKINS, Executrix of the
Estate of Edwin Paul Hoskins, WALTINA
BROWN and DANTE AUBAIN, individually,
and on behalf of other similarly situated,

Plaintiffs,

- against -

R. J. REYNOLDS TOBACCO COMPANY,
RJR NABISCO, INC., COUNCIL FOR TOBACCO
RESEARCH - USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO

SHARLENE HOBERMAN and AUDREY HULSE,
on behalf of the Estate of Lewis Hulse, individually
and on behalf of others similarly situated,

Plaintiffs,

- against -

BROWN & WILLIAMSON TOBACCO
CORPORATION, B.A. T. INDUSTRIES P. L. C.,
BATUS, INC., BATUS HOLDINGS, INC., COUNCIL
FOR TOBACCO RESEARCH - USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

ROSE FROSINA, ELIZABETH COLAVITO
and ANILDA ROSS, individually, and on
behalf of others similarly situated,

Plaintiffs,

- against -

PHILLIP MORRIS, INC., PHILIP MORRIS
COMPANIES, INC., COUNCIL FOR TOBACCO
RESEARCH - USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

5029 18215

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHYLLIS SMALL and DENISE FUBINI,
individually, and on behalf of
others similarly situated,

Plaintiffs.

- against -

LORILLARD TOBACCO COMPANY, INC.,
LORILLARD, INC., LOEWS CORPORATION,
COUNCIL FOR TOBACCO RESEARCH-USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

Index No.
110949/96

Judge Charles
E. Ramos

~~OPEN COMMISSION~~

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

MARY ANN HOSKINS, Executrix of the
Estate of Edwin Paul Hoskins, WALTINA
BROWN and DANTE AUBAIN, individually,
and on behalf of others similarly
situated.

Plaintiffs,

- against -

R. J. REYNOLDS TOBACCO COMPANY,
RJR NABISCO, INC., COUNCIL FOR
TOBACCO RESEARCH-USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

Index No.
110991/96
Judge Charles
E. Ramos
OPEN COMMISSION

prod. i. bv.

Plaintiffs,

- against -

BROWN & WILLIAMSON TOBACCO CORPORATION,
B.A.T. INDUSTRIES P.L.C., BATUS, INC.,
BATUS HOLDINGS, INC., COUNCIL FOR
TOBACCO RESEARCH-USA, INC.
(Successor to Tobacco Industry
Research Committee), and TOBACCO
INSTITUTE, INC.,

Defendants.

Index No.
110953/96

Judge Charles
E. Ramos

OPEN COMMISSION

ROSE FROSINA, ELIZABETH COLAVITO
and ANILDA ROSS, individually, and on
behalf of others similarly situated,

Plaintiffs,

- against -

PHILIP MORRIS, INC., PHILIP MORRIS
COMPANIES, INC., COUNCIL FOR
TOBACCO RESEARCH-USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

Index No.
110950/96

Judge Charles
E. Ramos

OPEN COMMISSION

price by R.L. ...

Plaintiffs,

- against -

Defendants.

Index No.
110952/96

Judge Charles
E. Ramos

OPEN COMMISSION

THE PEOPLE OF THE STATE OF NEW YORK

TO: CIVIL SUPERIOR COURT, COUNTY OF FORSYTH, STATE OF NORTH
CAROLINA

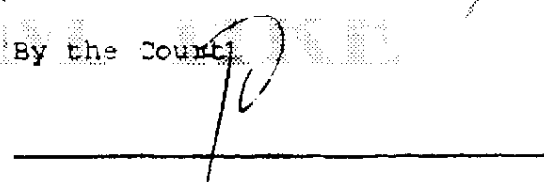
KNOW YE, that we, with full faith in your prudence and competency, have appointed you by a Judge of your Court, Commission and by these presents do authorize you or any of you to examine Claude Teague of North Carolina c/o William K. Davis, Esq. of Bell, Davis & Pitt, 635 W. 4th Street, Winston-Salem, North Carolina 27102, as a non-party witness in the above entitled actions pending in our Supreme Court, New York County, on the part of the plaintiffs, under oath, upon oral examination to be conducted under Article 31

pi e
Court, cause witness, Claude Teague to appear before Russell Reporting for that purpose to be appointed and authorized by you at a precise time by you to be fixed, and there to answer, under oath, to the several questions and cross-questions put to him by the attorneys for the parties and require him to produce certain documents hereto and that you will cause his deposition to be committed to writing and return the same to us.

Pursuant to Section 3102(e) of the New York Civil Practice Law and Rules, "[w]hen under any mandate, writ or commission issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement, it is required to take the testimony of a witness in the state, he may be compelled to appear and testify in this same manner and by the same process as may be employed for the purpose of taking testimony in actions pending in the state. The supreme court or a county court shall make any appropriate order in aid of taking such a deposition." In accordance with the foregoing statute we shall be and stand ready, willing and able to do the same for you, as we are asking you to do herein, in a similar case when required.

Witness, Honorable Charles E. Ramos, Justice of

proc 11y RJT
the Supreme Court of the State of New York and the seal
thereof, at the City of New York, County of New York this
10th day of September, 1997.

By the Court


(Seal of the Court)

PLAINTIFFS'

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New York, NY 10004

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Seward & Kissel
One Battery Park Plaza
New York, NY 10004
Phone: (212) 574-1200
Fax: (212) 480-8421

CONFIDENTIAL: AMERICAN TOBACCO COMPANY

6212 51721

produced by R. R.

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Index No.
110949/96

Judge Charles
E. Ramos

AMENDED NOTICE
TO TAKE VIDEO
DEPOSITION

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Index No.
110951/96

Judge Charles
E. Ramos

AMENDED NOTICE
TO TAKE VIDEO
DEPOSITION

DEPOSITION

recorded by R
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

SHARLENE HOBERMAN and AUDREY HULSE,
as executrix, on behalf of the
Estate of Lewis Hulse,
individually, and on behalf of others
similarly situated,

Plaintiffs,

- against -

BROWN & WILLIAMSON TOBACCO CORPORATION,
B.A.T. INDUSTRIES P.L.C., BATUS, INC.,
BATUS HOLDINGS, INC., COUNCIL FOR
TOBACCO RESEARCH-USA, INC.
(Successor to Tobacco Industry
Research Committee), and TOBACCO
INSTITUTE, INC.,

Defendants.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ROSE FROSINA, ELIZABETH COLAVITO
and ANILDA ROSS, individually, and on
behalf of others similarly situated,

Plaintiffs,

- against -

PHILIP MORRIS, INC., PHILIP MORRIS
COMPANIES, INC., COUNCIL FOR
TOBACCO RESEARCH-USA, INC.
(Successor to Tobacco Industry
Research Committee), AND TOBACCO
INSTITUTE, INC.,

Defendants.

Index No.

110953/96

Judge Charles
E. Ramos

AMENDED NOTICE
TO TAKE VIDEO
DEPOSITION

Index No.

110950/96

Judge Charles
E. Ramos

AMENDED NOTICE
TO TAKE VIDEO
DEPOSITION

7189 1715

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x Judge Charles
x E. Ramos
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x AMENDED NOTICE
x TO TAKE VIDEO
x DEPOSITION

X

erty herein, at the offices of Bell, Davis & Pitt, 635 W.

51721 51819

produced by B F

Productions, Inc., 45 Rockefeller Plaza, Suite 2265, New York, New York.

The person to be examined is required to produce at least ten (10) days before such examination the following: all books, records, computer data and/or discs, correspondence, handwritten notes, and any other document, whether maintained on a personal basis or kept in the ordinary course of business, that in any way pertains to:

(a) free nicotine and/or unprotonated nicotine and/or unbound nicotine in tobacco and/or tobacco products and/or tobacco smoke;

(b) the pH and/or alkalinity of tobacco and/or tobacco products and/or tobacco smoke, including but not limited to any effect of the pH and/or alkalinity of tobacco and/or tobacco products and/or tobacco smoke on nicotine and/or nicotine delivery to the smoker;

(c) any method by which the pH and/or alkalinity and/or free nicotine and/or unprotonated nicotine and/or unbound nicotine of tobacco or tobacco products and/or tobacco smoke is or may be increased and/or decreased and/or controlled, including by means that include, but are not limited to, tobacco blending techniques, the use of casing sugars, and the use of alkaline additives like ammonia

pr luce

(e) the suspected and/or actual effect(s) of nicotine
on any human or animal; and

(f) the addictive and/or reinforcing and/or habit
forming and/or habituating and/or dependence producing
effect(s) of nicotine.

Dated: New York, New York
September 10, 1997

GOODKIND LABATON RUDOFF
& SUCHAROW LLP
100 Park Avenue
12th Floor
New York, New York 10017
(212) 907-0700

TO:

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in
AMPH...
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CONFIDENTIAL: AMERICAN TOBACCO CO. FILE

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in
HIREY

CONTINUED: 31/03/1978

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INTER-OFFICE MEMORANDUM

Subject: Status of Contract with Industrial Bio-Test Laboratories

Date: May 4, 1970

To: Mr. Edward A. Vassallo

I am submitting an invoice from Industrial Bio-Test Laboratories (IBT) for \$50,000 which is one third of our 1970 contract agreement for \$150,000 services. This agreement was reached with Dr. Calandra verbally August 29, 1969.

The following summarizes the status of our research programs with Industrial Bio-Test for 1970.

Nicotine Habituation Studies

This work was undertaken to study whether rats exposed to nicotine over extended periods of time would become dependent upon it. The animals were able to self-administer nicotine at will. After our own smoking-physiology studies were terminated, we asked Industrial Bio-Test to discontinue these studies since they were designed to supplement and support studies we were pursuing.

Glucose-Isomerase Dog Toxicity Study

The dogs on this 90-day feeding study have been sacrificed and the tissues are being prepared for study. A report will be given in approximately eight weeks.

Smoking Monkey Study

Monkeys have been taught to smoke by a reward program. After the animal takes a given number of puffs on a cigarette, he is rewarded with a pellet of food. As time passes, the rewards are given less frequently, until the animal smokes without rewards.

We have arranged with Dr. Goode to test two or three of these monkeys with radioactive deuteriocontane to obtain a measure of how much smoke they are inhaling. When this part of the work is completed, we will discontinue the sponsorship of this work.

51721 6220

It may take two or three months to complete the radioisotope work.

Development of Smoke Mildness Assay

A mouse irritancy test has been developed in England which is reported to be capable of measuring smoke irritancy and of distinguishing the relative irritancies of smoke from various types of cigarettes.

Earlier this year, we requested IBT to investigate this irritancy test and attempt to adapt it for use with the RJR smoking machine. Some work has been done on this project, but it is still in the early stages.

Smoking Machine Use and Development

With the termination of our own smoke research program, it has become important to transfer to IBT our own capability for exposing animals to smoke. This is especially important if we should have a need for further studies such as the F11 work we did earlier. This project is in its early stages and will become one of our main sustaining projects, especially as it relates to the smoke irritancy test described above.

Consultation

We have taken several histologic slides to IBT for analysis and interpretation. In addition, we have consulted with them on numerous individual problems.

Summary

The work described in this memorandum is separate from the multi-jet filter work which is being done at IBT. It is budgeted separately also.

The breakdown of costs for the work done for us to date in 1970 at IBT is as follows:

Nicotine Habituation Study	6,000
Glucose Isomerase Toxicity	2,000
Smoking Monkeys	25,000
Development of Smoke Mildness Assay	10,000
Smoking Machine Use and Development	5,000
Consultation	2,000
Total through April 30	\$50,000

Eldon D. Nielson
Eldon D. Nielson

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CONFIDENTIAL

RJR

Inter-office Memorandum

ub. High Nicotine Tar Ratio Cigarette

Date: May 19, 1972

To: Dr. C. E. Teague, Jr.

From: Frank G. Colby

In my judgment, it is desirable to complete the above mentioned research project as soon as possible because we may otherwise be beaten by our competition.

On May 8-10, I attended a Program Committee Meeting for the CORESTA/TCRC Conference to be held this October in Williamsburg. The purpose of this meeting was to screen papers. At this meeting I had a conversation with Mr. R. S. Wade, Manager for Research and Development of Imperial Tobacco Company of Canada. He explained in some detail how desirable it would be to have a high nicotine tar ratio cigarette, but said that unfortunately he did not have any idea how to realize this technologically. Naturally, I did not mention in any way our interest in this subject.

I also saw a draft of a paper by Dr. Dunne, who is a full-time psychologist with Philip Morris. He very much emphasized in this paper the key role of nicotine in smoking, and even though this was not stated in the paper, there was a hint that Philip Morris might be thinking in terms of high nicotine cigarettes. Unfortunately, I could not get a copy of this paper since it was in draft form for the judgment of the Committee and had not yet - because of timing factors - been submitted to Philip Morris management for approval in detail.

I feel these two incidents prove that the high nicotine tar ratio cigarette is a concept which is "very much in the air." We should definitely make an effort to be first.

Frank G. Colby

FGC/pgg

Cc: Dr. Senkus

Dr. Laurens

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— DRAFT —
RJR Interoffice Memorandum

RJR CONFIDENTIAL

SUBJECT: NOW-type Cigarette with
Increased Nicotine

DATE: June 10, 1985

TO: Dr. G. R. Di Marco

FROM: Claude E. Teague

At our recent meeting at Blowing Rock, the suggestion was made that there might be a market for a NOW-type product with increased nicotine, i.e., very low "tar" and "normal" nicotine delivery. The attached "ancient" memo, though aimed at higher "tar" products, provides a rationale for this approach. With what we have learned since that memo was written, it might be possible to make the suggested new product.

Some thoughts on how to make the suggested nicotine enhanced NOW-type product follow, based on tinkering I did in the laboratory years ago:

- Such a product would probably need to generate 2 mg. of "tar" to deliver/transport the nicotine.
- Level of nicotine would need to be determined. Something in the

0.4 - 0.8 mg./cigarette range would be a place to start.

- That alone would probably produce an unmarketable product, with too much nicotine "throat-grah", and too much "ash-tray" taste.
- The trick then would be to attenuate the nicotine harshness and flavor.
- Several ways to accomplish this are suggested.
 - o Increase the moisture content of the blend substantially.
 - o Treat the blend with about 1% by weight of an acid, preferably fumaric acid or similar compound (see RDR, 1954, No. 11).
 - o Add other acid generating materials to the blend, e.g., carbohydrates, Turkish acid carriers, and the like.
 - o Look at burley/Turkish blends.
 - o Per-puff deliveries are probably more important than per-cigarette deliveries.

I believe that, with a little tinkering, an interesting type of new product might be made. If so, that would provide a "transition" product, relatively easy to manufacture, between conventional products and new generation products. It seems worth a try, and I hope someone will take a look.

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not dated by R.I.

5

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100% LEGAL 800-222-0510 E.D.

produced by P I R T

R J R Interoffice Memorandum

Cigarette Brands R&D Division

Subject: NOV-Type Cigarettes with
Increased Nicotine

Date: October 9, 1985

To: Mr. L. J. Inman

From: Melanie V. Murriell

Attached is an update on the current status and development of a NOV-Type Cigarette with increased nicotine and low T/N ratio.

If you have any questions, please advise.

Melanie V. Murriell
M. V. Murriell

MVM/trr

Attachment

cc: Mr. R. L. Willard
Mr. S. E. Carter
Mr. E. T. Smith
Mr. W. D. Young, Jr.
Dr. C. E. Teague, Jr.

CONFIDENTIAL: MINNESOTA TOBACCO CO. LTD.

51721 6228

NOW-Type Cigarettes with Increased Nicotine

In response to your memorandum on the NOW-type product with increased nicotine, the proposal has been researched and considered.

Background:

A great deal of research has been done on T/N ratio's and its affect on smoker perception. A thorough library computer search revealed that this issue is very controversial. According to information received from Fundamental R&D, cigarettes with lower T/N ratios historically have been perceived as harsher and less mild than cigarettes with higher T/N ratios. However in the data generated by Dave Townsend, no differences were found on any strength-related characteristics.

Objective:

To develop a NOW-type product that delivers 2 mg of 'tar' with a nicotine level in the range of 0.4 - 0.8 mg/cigarette. This product would have a uniquely low T/N ratio.

Approach I:

Blend Modifications - High nicotine tobaccos.

Test Design:

The following high nicotine blends were suggested by Bob Shore.

Blend #1

K22	22.00
C30	3.00
G7A	15.00
TB	7.00
G13-23	53.00
	100.00

Blend #2

K22	22.00
C30	16.00
07	15.00
TB	7.00
G13-23	40.00
	100.00

Blend #3

K22	22.00
-----	-------

Blend #4

K17	22.00
-----	-------

51721 6229

Next Steps:

These blends will be made into cigarettes, according to the NOW 100 configuration. The cigarettes will then be submitted for analyticals in order to determine if our objective can be obtained by blend changes alone.

Approach II

Nicotine addition.

Test Design:

Nicotine salt complex will be added to the tobacco to increase the nicotine delivery.

Next Steps

Explore a laboratory procedure that will allow us to use the nicotine that is extracted from the KDN process to produce nicotine salts.

- 1 - Nicotine tartrate
- 2 - Nicotine malate

CONFIDENTIAL: MINNESOTA TOBACCO LITIG.

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A NEW PRODUCT STRATEGY FOR CIRCUMVENTING PROBLEMS
ARISING FROM THE SMOKING-HEALTH CONTROVERSY

A. THE PROBLEM

In its search for "safer" cigarettes, the tobacco industry — in essentially every case — has simply reduced the amount of nicotine, and the amount and quality of smoke delivered to the smoker, thereby decreasing the satisfaction derived from smoking. This trend is being accelerated by anti-tobacco propaganda and increasing government regulation. If this trend continues, at some point in time cigarettes may simply cease to be sufficiently satisfying to be attractive to many present or potential smokers. In view of this situation, it is prudent and timely to consider alternate product strategies designed to retain and/or expand the present market for cigarette satisfaction.

B. A PROPOSED NEW STRATEGY

Cigarettes provide unique, valued satisfactions to smokers which cannot now be obtained from use of any present non-tobacco product. This must be true because in the face of the smoking-health controversy, large numbers of people begin to smoke and/or continue to smoke.

A large market for our unique bundle of satisfaction exists, and if the alleged health hazards can be eliminated, a new, much larger market should emerge and continue to grow.

Our new strategy, in simplistic terms, should be to define the satisfactions expected or derived from cigarette smoking, and to devise and market profitable new products -- away from conventional cigarettes -- which will provide those same satisfactions with no significant hazard to the health of the user.

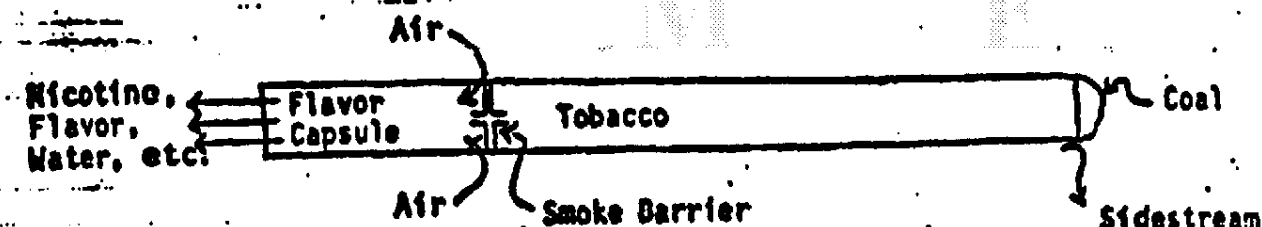
For the purposes of this discussion it must be assumed that:

- (1) Nicotine is the physiological habituation factor (H) and is a sine qua non and
- (2) ingestion of minimal amounts of nicotine at controlled rates does not constitute a significant hazard to health.

Some examples of new product types contemplated within this new strategy are shown below. As will be recognized, all of these types bear some formal resemblance to existing tobacco products. Work done on them will almost certainly result in development of technology useful in present products. Thus, an orderly product transition is contemplated.

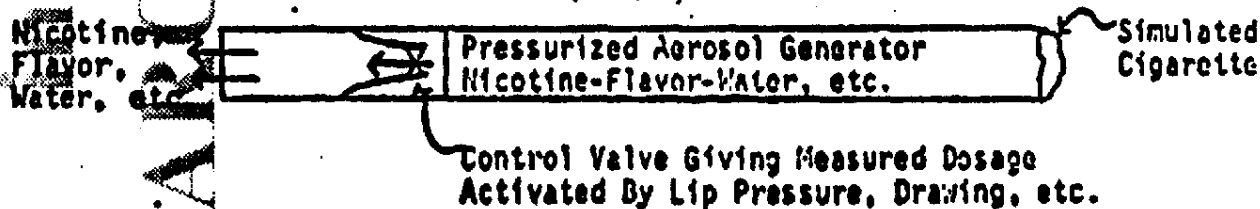
C. EXAMPLES OF NEW PRODUCT TYPES CONTEMPLATED

I. Transitional — Tobacco-Burning



The tobacco burns, but little or no smoke reaches the smoker. Instead, air passing through a flavor capsule delivers nicotine, flavor, moisture, etc. to the smoker. Inexpensive tobacco could be used.

II. Simulated Cigarette — Aerosol Generator



Does not use tobacco or burn. Delivers aerosol containing nicotine, flavor, etc. We would sell throw-away aerosol flavor devices to fit permanent mouthpiece.

CONFIDENTIAL: MINNESOTA TOBACCO COMPANY

reduce 1 by E. RT

3

III. Esthetically Clean Chewing Product

Tobacco chewing is said to be highly satisfying, but of course incurs social disapproval for esthetic and hygienic reasons.

It may be possible to incorporate nicotine into a new type of flavored, chewable material such that as the product dissolves, nicotine and flavor will be released at controlled rates. The dissolved materials could be safely and totally ingested, leaving no residue for disposal. Thus a safe product, esthetically and hygienically "clean", would be possible. The product might contain caffeine or other "satisfiers" not presently found in tobacco.

IV. Other

The fertile brains in this Company will certainly conceive of additional types of new products falling within the proposed new product strategy.

C. E. Teague, Jr.
Claude E. Teague, Jr.
December 10, 1969

CONFIDENTIAL: MEMORANDUM FOR THE DIRECTOR

HEER 1845



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CONFIDENTIAL: XINNENHUYA (OBACCO) LTD.

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Public Health Service

February 13, 1987

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R.J.Reynolds Tobacco Company

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CONFIDENTIAL - VINYLACETATE MONOMER

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51721 6245

Submitted by RJRTC

July 14, 1993

CONFIDENTIAL - INFORMATION FOR ACCREDITING

51721 6246



RECYCLED

100% LEGAL, 100% RECYCLED, 100% EASY

Phase 1 GND

SENGFIELD

C.E.T. : A Group of Company Employees,
Are "strangers" to me

AGGRESSIVE ✓

AGREEABLE

INTELLIGENT

NOT SENSITIVE TO OPPOSING VIEW

LOGICAL

TOO SENSITIVE TO PEOPLE

SYSTEMATIC

CRAFTY

POSITIVE

COMPETITIVE

PERSUASIVE

PENETRATING

(PIGHEADED - MY ADDITION)

PERCEPTIVE

UNEMOTIONAL

CONCILIATORY

OVER-FLEXIBLE

HUMOR HITS POINT

PROBING

TALKS TOO SLOW

SECURE

WOLF IN SHEEP CLOTHING

CONSCIENTIOUS

FONDA TYPE - refers to role played
by Henry Fonda in a movie
about a trial and jury -
NEAR PERFECTIONIST

SINCERE

ORGANIZED

PROVOKED

TENDS TO LONE WOLF OR
INDIVIDUAL PERSUASION

IMPATIENT

OVER-DELIBERATE

CREATIVE

COMMITTED

51721 6247

EXHIBIT NO.	10
Wt:	Table m.O.
Date:	11/12/97
Ref:	Allen

DOMINANT

BACKUP

(12,5)
8.7-7.2

9,5
9,7
9,6
9,9
9,9

9,1
8,6
"Neuro changed"
9,1
9,1

Proximal
Hitting
Tearing
Newman
Lack

input from group
of "strong" is
Q. 2. 1

1. DECISIONS - He is more interested in developing right decisions than in who made the decisions.
2. CONVICTIONS - He has very definite opinions and ideas and sticks to them unless thoroughly convinced by logic that he is wrong.
3. CONFLICT - He is an extremely fair individual but does not compromise his principles for an easy solution. He is perceptive of people.
4. EMOTIONS - Appears to have little or no temper and might give others the impression that he can be overrun.
5. HUMOR - He has a good sense of humor but does not use it enough to his advantage.
6. EFFORT - He is a quiet leader who exerts much effort in such a way that others do not actually realize he is exerting his influence at the time -- and he helps and shares knowledge -- others achieve team goals in this manner. (Teacher)

- Newsome
1. DECISIONS - He is very subtly decisive in making his decisions which gives the impression initially that he is not sure.
 2. CONVICTIONS - The convictions that are displayed are secure in his mind and are changed only after firm facts to the contrary.
 3. CONFLICT - He sometimes turns away from conflict of personal reactions but never from conflict of purpose.
 4. EMOTIONS - Emotions are conveyed as zero. Only when he takes his glasses off or raises to the front of the chair do people realize that he is emotionally involved.
 5. HUMOR - His humor is low key to emphasize his point.
 6. EFFORT - All out effort is applied if it is okay with the group. Moderate effort occurs against current until strong current arrives, then less effort is given.

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1. 2. 3. 4. 5. 6.
1. DECISIONS - His decisions are probably more often sound than anyone around him. This is the result of an unusually clear and analytical mind. His difficulty is that it is hard for him to turn the analysis off and leave a good decision alone, having made it.
2. CONVICTIONS - He is a scientist. There is almost no sentiment in his convictions and he will modify them readily as a result of what he regards as sound evidence. This is a good example of the open mind.
3. CONFLICT - With Claude, conflict is usually difficult to recognize, because he is too intelligent to have room for emotional overtones. He avoids much conflict because his quick mind sees it coming and avoids it.
4. EMOTIONS - He is a sensitive person who protects himself with easy humor. He probably knows that this low pressure humor is a very effective and persuasive tool in his very serious concentrations on promoting what he believes, and he uses it with skill.
5. HUMOR - A very valuable trait. It is incisive, but never unkind. Think "rueful" is the word.
6. EFFORT - A powerful continuous effort, well concealed by an easy manner. That pussy cat may well be a lion.

1. DECISIONS - Based on Thorough Review of Facts, Alternatives, etc. Wonder if sometimes your attention to thoroughness does not put you too close to the trees to see the forest and put you too close to the situation to be objective rather than subjective.
2. CONVICTIONS - Strong. Perhaps so strong that they sometimes tend to act as "blindness" and limit the paths.
3. CONFLICT - Strong convictions may tend to cause conflict. Would be good to remember that there are two sides to every coin.
4. EMOTIONS - Controlled. Probably channeled to good use.
5. HUMOR - Primarily a participant, but you participate well -- adding your own nuances.
6. EFFORT - "A+" - Seems to be totally committed to the task at hand.

not from group
7 strangers.

1. DECISIONS - Has exceptional ability to make sound, logical and correct decisions. The highly intelligent approach to all decisions creates complete trust among his associates.
2. CONVICTIONS - Has a systematic, logical way of showing his convictions and although reluctant to do so at times, he will change his mind when convinced.
3. CONFLICT - A diplomat in any conflict. Can easily settle differences without becoming involved as a person.
4. EMOTIONS - Smooth - even tempered - unemotional but still able to carry his point.
5. HUMOR - Good sense of humor which usually helps the situation at the time.
6. EFFORT - Dedicated to the job. Vigorous and persuasive with an exceptional ability to lead people.

1. DECISIONS - Careful and penetrating analysis proceeds his decisions. He allows associates to discuss fully the points he has made and the evidence presented without interruption. Appears to welcome change of position if the team performance improves. Is reluctant to change on occasion when a strong position on his part would carry the day. "CHANGE"
2. CONVICTIONS - He is a good listener and demonstrated during the course real interest in the ideas and deliberations of the team. Allowed more aggressive of the vocal members to shout him down, but rarely changed his position.
3. CONFLICT - Did not become involved in serious conflict during debate.
4. EMOTIONS - Demonstrated no evidence of temper or irritation beyond desire to proceed with tasks. I believe he could become very impatient -- perhaps real loss of temper over conflicts more important to him than the events of the session.
5. HUMOR - Stimulating sense of humor -- Can laugh at himself which is an attribute of self confidence.
6. EFFORT - Works at a good steady pace. High intellectual activity Physically a ball of fire.

51721 6250

my own work group and
superior, in my job -
subordinates
peer
boss
myself

FEEDBACK ON C. E. TEAGUE

Phase II Grid
December 10-11, 1970

AGGRESSIVE

ANALYTICAL

DEEP THINKER

CLEAR THINKER

CAUTIOUS

NON-CAUTIOUS

DELIBERATE

SCHOLAR

* "COOL" in the sense of a "cool cat"

SENSITIVE (VULNERABLE)

JUDICIOUS

UNBENDING

AMBITIOUS

NEED TO GET AWAY FROM
LAB MORE

RESOURCEFUL

TRIES TO BE TOO FAIR

OPEN-MINDED

CAN ACCEPT SUGGESTIONS

RECEPTIVE TO CHANGE OF MIND

STUBBORN CONCERNING HIS
OWN OPINIONS

TURNS ONLY ONE CHEEK

LEGALISTIC AT TIMES
(UNPREDICTABLY)

HAS AND FAVORS PET PROJECTS

LACKS EMPATHY WITH PEOPLE
AT BENCH (Laboratory bench)

COMPETENT

SENSORY QUALITIES (perception of
taste, smell, etc)

STUBBORNNESS

OPINIONATED

GOOD FOLLOW THROUGH

KNOWS HOW TO DELEGATE

FAST WRITER - GETS THE POINT

DEMANDING

INTOLERANT OF INCOMPETENCE
"DOES NOT SUFFER FOOLS
GLORIOUS"

* Suppose if adjective were elaborated on
meaning of "cool" - this is hip-jargon sense =

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